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ART. I.—THE FALKLAND ISLANDS:

A MEMOIR; DESCRIPTIVE, HISTORICAL, AND POLITICAL.*

INTRODUCTION.

THE southern extremity of the American continent, and the islands in its vicinity, were discovered by Europeans soon after Columbus had ascertained the existence of a new world west of the Atlantic; and during the sixteenth century, the coasts of those territories were frequently examined in search of passages of communication between that ocean and the Pacific. In the course of these examinations, Magellan's Strait was found in 1520, by the navigator whose name it perpetuates; and in 1600, the Dutch sailed into the Pacific, through the open sea further south, around the promontory which they afterward called Cape Horn, in honor of an ancient city of Holland.

For more than a hundred and fifty years after the latter period, these territories scarcely attracted the notice of civilized nations. The Spaniards regarded them merely as useful barriers for the security of their dominions on the Pacific; and as they offered no advantages in the way of commerce or of settlement, they were only occasionally visited by ships of war, or bucaniers, or exploring vessels, in voyages between the oceans which they separate. At length, in 1770, the attention of the whole civilized world was suddenly directed towards a small group of uninhabited islands, situated about 200 miles east of Magellan's Strait, for the possession of which a violent dispute had arisen between Great Britain and Spain; and maps, charts, and geographical works were everywhere consulted, for infor-

* Written for the Merchants' Magazine, by ROBERT GREENHOW, Esq., author of a *Memoir, historical and political, on the Northwest Coast of North America, and the adjacent territories*, published by order of the United States Senate, in 1840.

mation respecting the *Falkland*, or *Sebaldine*, or *Malouine*, or *Malvinas* Islands, by each of which names they had been distinguished in some time or country. With the events which led to this dispute, the political history of the Magellanic regions may be said to have commenced; for the thousands of pages which had been previously published about them were devoted to accounts, generally as tedious as unsatisfactory, of voyages around their coasts, and fables concerning their inhabitants. That dispute was compromised; but others of a similar nature, with regard to the same group, have, within the last ten years, arisen between the United States and the Argentine Republic, (better known as Buenos Ayres,) and between the latter republic and Great Britain, neither of which has been settled; unless the seizure of the islands and their subsequent occupation by Great Britain be considered as deciding them both.

To afford a clear and impartial view of these questions is the object of this present memoir; in which the author has endeavored to embody all the most material facts relative to the Falkland Islands, in a regular and connected historical narrative, accompanied by reasonings on the various points of national right involved in them. When it is added, that the determination of these questions may seriously affect the American whale and seal fisheries in the Southern and Pacific oceans, and indeed the whole trade of the United States with the countries bordering upon those seas, no further apology will be deemed necessary for this attempt to throw light upon a subject which has been perhaps already too long neglected.

As correct information with regard to the geography of these countries is not generally diffused, before commencing their history it will be convenient to present a brief

DESCRIPTION OF PATAGONIA AND TIERRA DEL FUEGO.

The South American continent is traversed in its whole length, from north to south, by an uninterrupted range of lofty mountains, which are known under the collective names of *Andes* and *Cordilleras*. This range runs throughout nearly parallel to the Pacific coast, and within about two hundred miles from it; north of the 40th deg. of latitude, the mountains are separated from the Atlantic by a vast expanse of lower country; south of that latitude the continent becomes much narrower, and its breadth gradually diminishes towards its extremity.

This narrow, southernmost part of America is called *Patagonia*, from the Spanish word *Patagones*, signifying *Big-feet*, which Magellan applied as a characteristic name to its inhabitants. It extends to the latitude of 53 deg. 54 min., in which *Cape Froward*, the southernmost point of the continent, is situated; further south, extending to *Cape Horn*, near the 56th parallel, is a group of islands, separated from the continent by Magellan's Strait, and from each other, by intricate channels; to which group Magellan, believing it to be a continuous territory, and to be filled with volcanoes, gave the appellation of *Tierra del Fuego*, or the *Land of Fire*. The whole western coast of Patagonia is in like manner completely masked by islands; while on the Atlantic side there are very few, all of which are small, in the vicinity of the main land. Magellan's Strait opens into both oceans, nearly under the same latitude of 52½ deg.; its course between its two extremities being nearly represented by the letter U. The difficulties, dangers, and uncertainties of the navigation through it are such, that the passage around *Cape Horn* is almost universally preferred.

These territories are all mountainous; and the islands may indeed be regarded as prolongations of mountain ridges through the sea. The climate and productions are naturally modified according to distance from the equator and altitude above the sea: the temperature near the coast is, however, in general milder than that of places under the same latitudes in the northern hemisphere; but, like all other countries near the antarctic circle, they are subject to constant and severe storms. No signs of volcanic eruptions have been found in Tierra del Fuego; in the northern part of Patagonia, however, are many active volcanoes.

The inhabitants of Patagonia and Tierra del Fuego are, from all accounts, the largest in stature, and the lowest in the scale of civilization, of the human race; though they appear to possess more intellect than the Australians or the Hottentots. The Europeans who have recently examined Patagonia, have not found among the aborigines any persons who could be styled *giants*. Captain Fitzroy, who spent some time on these coasts, between 1830 and 1835, saw no one exceeding in height six feet and some inches; though he had "nowhere else met an assemblage of men and women, whose average height and apparent bulk approached those of the Patagonians." It is however impossible to disbelieve the accounts of Byron, Wallis, Carteret, and Falkner, all of whom positively declare, that they had met with people in this country seven feet in height. Fitzroy describes the Patagonians as "of a rich reddish-brown color, between that of rusty iron and clean copper; they have thin beards, which, as well as their eyebrows, they carefully remove; but the hair on their heads is thick, black, straight, and very coarse. Their foreheads are small and low; their eyes small, black, and ever restless. Their faces are roundish, and the width and projection of their cheek-bones makes them look unusually large. The nose is depressed, narrow between the eyes, but broad and fleshy about the nostrils, which are rather large; the mouth is large and coarsely formed, with thick lips. Their expression is open and honest, and their intrepid look is prepossessing."*

As greater space cannot with convenience be devoted to the above mentioned regions, we shall proceed to the

DESCRIPTION OF THE FALKLAND ISLANDS.†

The Falkland Islands, called by the French, *Iles Malouines*, and by the Spanish, *Islas Malvinas*, are situated in the South Atlantic, at the distance

* Captain King carried three of these people, named by the sailors, York Minster, Jemmy Button, and Miss Basket, to England in 1832; and after they had remained there two years, they were carried back by Fitzroy to their country. During their stay in England, they soon contracted the language and habits of those by whom they were surrounded, and a remarkable improvement was observed in the expression and form of their features: but within a few months after their return to Patagonia, they had again become as complete savages as they had been before their voyage. Fitzroy's work contains many curious particulars relative to these individuals; and two portraits of each of them, the one taken while in England, and the other after their relapse to barbarism. York Minster is described as irritable, jealous, and ferocious; Jemmy Button as mild, amiable, grateful, and confiding; while Miss Basket, who on her return to Patagonia bestowed her hand on York, appears to have been an accomplished flirt.

† Among the works which have been consulted with reference to the subject of this memoir, are:—The collections of voyages and travels of Hakluyt, Purchas, and Churchill;

of about two hundred miles east from the eastern entrance of Magellan's Straits. They consist of two large islands, called the *East* and the *West Falkland* or *Malouine*, separated by a passage called the *Falkland Channel*, and surrounded by about two hundred other very small islands; all of which lie together within a space of one hundred and twenty by sixty miles, between the 51st and the 53d parallels of south latitude, and between the 57th and the 63d meridians of longitude west from Greenwich, at the same distance from the equator as Ireland in the northern hemisphere. The aggregate surface of the whole group is supposed to be about 3000 square miles in extent; of which surface, the East Falkland appears to embrace nearly one half. The West Falkland was formerly supposed to be the largest of the group; but more recent and accurate examinations have served to show that this supposition was erroneous.

Before proceeding further in the description of these islands, it is proper to observe, that from all accounts and appearances, they were never inhabited or even visited by human beings, anterior to their discovery by Europeans, about the close of the sixteenth century; and that the first attempt to settle on them was made by the French, under Bougainville, in 1764. Since that year they have been occupied occasionally in succession by small parties of English, Spaniards, and people from Buenos Ayres; but their population has never exceeded a hundred and fifty persons, except during a few months in 1765; and no changes have been effected in them, through the agency of man, except such as may have arisen from the introduction by the settlers of cattle, which now cover the larger islands.

By reference to the map it will be seen that the islands are very irregular in outline. The two largest extend parallel to each other in their greatest length, from northeast to southwest, which is also the general direction of the channel separating them; of the other islands, the majority are situated west and north of the West Falkland. The harbors in the group are numerous, and among them are some of the best in all respects on the Atlantic shores. Many of these harbors are channels or portions of sea surrounded by islands; such is the character of *Port Egmont*, on the north side of the West Falkland, on which the British establishment was founded in 1766, and maintained for eight years; it is described by Captain Byron as capable of sheltering the whole British navy from all winds. The other harbors are found in the long arms of the sea, which stretch into the interior of the two large islands from all directions. Among these latter, the principal is *Berkeley Sound*, called by the French *Baie d'Acarron* and *Baie des Français*, about twenty miles in length, and six miles in breadth at its entrance; which runs due west into the East

Burney's History of Voyages and Discoveries in the Pacific; the narratives or journals of the voyages made by Frezier in 1706, by Byron, in 1765-7, by Bougainville, 1765-9, by Barnard, 1814, by Weddell, 1823, by Freycinet, 1820, by King, 1830-2, and by Fitzroy, 1834-6; the Histories of England, by Belsham, by Hughes, and by Wade; the Spanish History of the Provinces of Rio de la Plata, by Fuñes, published in 1817; the London Annual Register for 1771, and the parliamentary history for the same year; Dr. Johnson's *Thoughts on the late occurrences respecting Falkland Islands*, published in 1771; Anecdotes of the life of Lord Chatham; and many official documents from the governments of England, France, Spain, Buenos Ayres, and the United States.

Falkland on its northeast side. At the extremity of this sound, and connected with it by a narrow passage, is a smaller bay, called *Port Louis*, on which the French, under Bougainville, made their settlement in 1764; the Spaniards succeeded to the possession of this place in 1766, and there built a fortified town called *Soledad*, which they continued to inhabit until about 1810, and then abandoned it. Since that year the place was reoccupied by the Buenos Ayreans, and is now in the hands of the British. Port Egmont and Soledad are the only spots in the whole group on which any attempt has been made to fix a settlement.

The pictures presented by the Falkland Islands on approaching them from any quarter are uninteresting, and the storms which usually prevail in their vicinity give them almost always a dreary appearance. "About the greater part of the archipelago," says Fitzroy, "barren hills sloping towards low and broken grounds, or rocky surf-beat shores, are the only objects which meet the eye. On the West Falkland, and some of the small islands near it, are high precipitous cliffs, in a few places exposed to the western seas; but other parts, and especially the southern shores of the East Falkland are so low, that they cannot be seen from the deck of a vessel five miles distant. The two largest islands are both traversed by ranges of hills or small mountains, of which the most elevated are those in the East Falkland, rising about thirteen hundred feet above the sea; the land on the West Falkland is, however, generally much higher than on the other."

The interior of the East Falkland is much better known than that of any other part of the group. The more elevated portions of it are quartz rocks, among which are found beautiful crystals; lower down is clay-slate, in which are beds of clay and sandstone, containing most curious impressions of shells, leaves, and other organic substances; and still lower, are extensive bogs or fields of peat, varying in depth from two to ten feet. The valleys are many of them covered with vast fragments of quartz rocks, forming in appearance *streams of stones*, which extend for miles in length, and many hundred feet in breadth, from the higher parts of the islands towards the sea; and similar fragments, some of which would no doubt weigh a thousand tons, lie on the tops of the highest hills entirely detached from the rocks underneath.

The temperature of these islands is equable, and, considering their situation, mild. During many years, beginning with 1825, in which meteorological observations were made and recorded near Berkeley Sound, the thermometer never descended below 22 deg., nor rose above 80 deg. of Fahrenheit in the shade; the ordinary range of the mercury being between 30 and 50 degrees in the winter, and between 40 and 65 deg. in the summer. Ice has not been known to exceed one inch in thickness; snow seldom lies on the lowlands, and is rarely more than two inches in depth. The climate on the West Falkland is said to be milder than that of the eastern; yet the seamen of a British vessel, who passed two winters on and near the latter, found no inconvenience from the want of stockings.

There is, however, a great deal of rain at all times in the Falkland Islands; and the winds there seem to be more constant and violent than in any other part of the world. The warmest months, which are January, February, and March, are the most stormy; and there is generally more wind in the day than in the night; "but," says Fitzroy, "neither by night nor by day, nor at any season of the year, are these islands exempt

from sudden and very severe squalls, or from gales which blow heavily, though they do not usually last many hours." The same officer observes, that "winds from the east are rarely lasting or stormy; northerly winds bring cloudy weather, and when very light, they are often accompanied by a thick fog. Gales in general commence in the northwest, and draw or fly around to the southwest; and it may be remarked, that when rain accompanies a northwest wind, it soon shifts to the southwest, and blows hard. Neither lightning nor thunder are common; but when the former occurs, easterly wind is generally expected to follow." With all this rain, falling on a rocky or clayey soil, there can of course be no want of fresh water; and springs and rivulets are to be found everywhere.

All who have remained long in these islands agree in their testimony, in favor of the great healthiness of the country. Fitzroy did not learn, either from observation, or inquiry among the persons whom he met there, that "any disease had been contracted from the influence of the climate, except ordinary colds and coughs, or rheumatic affections, brought on by unusual exposure to the weather."

Notwithstanding these advantages of climate, the Falkland Islands are destitute of trees; and none of the grains, fruits, or other vegetables which serve as food for man, appear to thrive on them. The largest native plants are gummy shrubs, which never exceed five feet in height, nor produce a stick two inches in diameter. Of many thousand trees which have been carried thither from Europe and America, and set out in places supposed to be favorable to their growth, few if any have survived. Wheat sown near Berkeley Sound, and in several other spots, produced large heads, which were, however, found to contain very little farinaceous matter. Good turnips, potatoes, and celery, have been raised at some places; but carrots, lettuce, cabbages, &c., generally run to stalk. The want of wood for fuel is, however, abundantly supplied by peat, which is found in every part of the group, and may be collected without much labor; while timber for building can be procured from the neighboring coasts of South America.

Among the other native vegetables on these islands, are cranberries, and a small plant resembling the heath, from which an infusion may be made, very little if at all inferior, either in taste or in restorative effects, to tea. Fitzroy saw it drank at his table by the officers as *tea*, without their detecting the difference; although the only Chinese tea, used by him at other times, was the best which he could procure at Rio. The *tussac* is a white sweetish substance, something like a chestnut, or the kernel of an unripe fruit, found within the stems of the tall flags or rushes which border the shores of the islands in many places; it is often eaten by the inhabitants, and is much relished by cattle and hogs, to the meat of which it communicates an agreeable flavor: the same name appears also to be given to the peculiar clumps in which the flags or rushes grow. Of the remaining vegetable productions, the principal is the *kelp*, or sea-weed, growing in all the shallow places in the sea, near the shores; from which it is probable that great advantage might be obtained in the manufacture of soda. The fixed weed is easily distinguishable from that which floats; and the former is of great use to navigators, by indicating the existence of shoals.

Although these islands afford no vegetable substances for the direct use of man, they are, on the other hand, covered with luxuriant grasses, admirably adapted for the support of cattle. Before the establishment of the French and British colonies, the only quadrupeds in the whole group

were a species of fox, nearly as large as a wolf, and much more ferocious; the Europeans, however, introduced cows, horses, sheep, hogs, and rabbits; all of which races have multiplied to an extraordinary extent, and have all, except the horses, been materially improved. The wild bulls are said to be the largest and most savage of their species; the average weight of their hides is eighty pounds, which is nearly two thirds greater than that of the hides from Buenos Ayres. The cows give excellent milk, from which butter and cheese of the finest qualities have been made, and the flesh of these animals takes salt perfectly well in the islands. The horses are smaller, and less capable of enduring fatigue, than those about Buenos Ayres; "it is a curious fact," says Mr. Darwin, "that they have never left the eastern end of the East Falkland, where they were first landed, although there is no natural boundary to prevent them from roaming, and that part of the island is not more tempting than the rest."

The shores of the islands were formerly crowded with amphibious animals, of which the principal were seals, and those uncouth monsters called sea-lions, or sea-elephants, and sea-wolves. The numbers of these animals have, however, been greatly diminished, since the islands became the resort of whaling and sealing vessels from all parts of the Atlantic.

The birds are chiefly sea-birds, such as penguins, albatrosses, three kinds of geese, swans, ducks, gulls, &c., though there are also quails, snipe, hawks, rooks, and some other land-birds: their eggs are deposited in such quantities near the shores, that in 1830, "eight men gathered at one place, in four or five days, upwards of *sixty thousand*." The eggs of the penguin are said to be excellent food; they may be kept fresh for several months by immersing them for some time in oil, and then packing them in sand.

These aboriginal animals are remarkably shy, and soon desert any place which is frequented by man; so that it is very difficult to kill them. On this subject, Bougainville, describing the circumstances which accompanied the first settlement made on the islands in 1764, says—"It was singular to see all the animals, which had hitherto been the only inhabitants of the islands, come near us without fear, and show no other emotions than those which curiosity inspires at the sight of an unknown object. The birds suffered themselves to be taken with the hand, and some would come and settle upon the people who stood still. So true it is, that man does not bear a characteristic mark of ferocity, by which mere instinct is capable of pointing out to these weak animals the being that lives on their blood. This confidence was, however, not of long duration with them; for they soon learned to mistrust their most cruel enemies."

The seas and channels about the islands abound in fish, which come there in the beginning of the spring (September) to spawn, and retire on the approach of winter. Those found in the greatest numbers are called mullets, and are described as between a salmon and a mullet, from two to three feet long, and six inches thick; they take salt well, and many cargoes of them have been carried to Buenos Ayres and Rio de Janeiro, where they are preferred to cod; these fish are so numerous, that ten or twelve men have caught and salted *sixty tons* of them in a month. There are moreover, says Fitzroy, "delicious small fish, in such shoals that our boats' crews were sometimes obliged to let a large portion escape from the net, before they could haul it ashore without tearing. In the fresh water ponds, so numerous on the large islands, there is a very delicate fish,

somewhat resembling a trout, which may be caught by angling. The shell-fish are chiefly muscles and clams, both of which are very abundant, and easily gathered at low-water. The large muscles produce pearls of considerable size, though inferior quality."

CHAPTER II.

DISCOVERY OF THE FALKLAND ISLANDS.

The merit of discovering these islands has been claimed by the Portuguese, the Spaniards, the Dutch, and the French. Americus Vespucius, in the journal of his voyage through the South Atlantic Ocean, made in 1502, while he was in the service of Portugal, says that he saw a rugged and uncultivated land beyond the 52d degree of south latitude; but under what meridian it is impossible to learn. The Spaniards assert that the islands were found by their earliest navigators in those seas, who called them, *Islas de Leones*; no direct proof of this assertion has been adduced, but it seems scarcely possible that they could have remained unseen by the people of that nation, during a whole century, in which so many of their squadrons were engaged in exploring the adjacent seas and coasts.

The first notice of the existence of the islands which can be considered as distinct, is contained in the account of the voyage of John Davis, the commander of one of the vessels in the English squadron sent to the Pacific under Cavendish in 1591, written by John Lane, one of the crew, and published at London by Hakluyt in 1600. The writer there states, that after in vain attempting to enter Magellan's Straits, they were on the 14th of August, 1592, "*driven in among certain isles never before discovered by any known relation, lying fifty leagues or better from the shore, east and northerly from the straits.*" This description, though short, is sufficient to establish the fact, that Davis did, in 1592, see some of the north-westernmost of the Falkland Islands; and upon the evidence thus afforded, Great Britain founds her claim to the sovereignty of the whole archipelago.

The same islands were also no doubt seen, two years afterward, by the celebrated Sir Richard Hawkins; in the narrative of whose voyage, by John Ellis, it is stated,* that "*on the 2d of February, 1593-4, we fell in with the land of Terra Australis, in 50 degrees, 55 leagues off the straits of Magellan, east-northeast from the straits.*" Sir Richard, believing himself to be the first who had seen this territory, gave to it the name of *Hawkins' Maiden-land*; "for," as he says, "*that it was discovered in the reign of Queen Elizabeth, my Sovereign Lady, and a maiden Queen, and at my cost, in perpetual memory of her chastity, and of my endeavors.*" This name, however, did not obtain general currency; and the islands were not destined to serve as monuments commemorating the chastity of Queen Elizabeth, or the perseverance and liberality of the dauntless searover.

The last navigator, by whom the discovery of these islands was supposed to have been made, was Sebaldus or Sibbald Van Weerd, the commander of one of the five Dutch ships sent to the Pacific from Rotterdam in 1599, under Jacob Mahu. Having been foiled in his attempt to pass Magellan's Strait, Van Weerd resolved to return to Europe; and on his way back, two days after leaving that passage, he fell in with three small

* Purchas' Pilgrims, vol. iv, page 1415.

islands, in the latitude of 50 degrees 40 minutes, distant sixty leagues from the South American continent; which were, in all probability, the same seen by Davis and Hawkins. The Dutch, in consequence, gave the name of *Sebaldine Islands* to the whole archipelago; which is so called on many English maps, published in the last century, while in others it appears as the *Sibble d' Wards Islands*.

The errors of latitude in the above-mentioned accounts, amounting in some to a degree and a half, are not extraordinary, considering the imperfection of the instruments then in use, for determining the altitudes of the heavenly bodies, and the want of proper tables and methods of calculation.

In the course of the ensuing hundred and fifty years, these islands were seen by many navigators of many nations: one of them was probably the same to which Cowley, the bucanier, gave the name of *Pepy's Island*, in 1684, though he placed it in the latitude of 47 degrees 40 minutes, where it was often sought in vain. In 1690, Strong, an Englishman, commanding the *Welfare*, sailed through the passage separating the two largest islands, and called it *Falkland's Channel*, in memory of the well-known royalist, Lucius Cary Lord Falkland, killed at the battle of Newbury, in 1643. Strong's Journal is preserved in the British museum in *manuscript*. From short extracts contained in Fitzroy's Narrative, we learn that Strong saw the land on the 27th of January, near the 51st parallel, and sent a boat on shore to obtain penguins and seals as food for his crew; on the 28th, he entered the sound on the north; and on the 31st, he quitted it, through its southern opening, having landed once or twice on the shores as he passed. This is the earliest *visit* to the islands of which any account is to be found; and as it forms one of the grounds of the British title to the possession of them, it is not a little strange that the journal should never have been published.

The name of *Falkland Islands* does not appear to have been given to the group before 1745. About the beginning of the last century, they were also seen and visited by French vessels from Saint Malo in Brittany, engaged in fishing, and in the contraband trade with the Spanish coasts of the Pacific; and thus they obtained the name of *Iles Malouines*, which the Spaniards adopted with a slight change, calling them *Islas Malvinas*. The other appellations were in time gradually dropped, and for the last hundred years they have been always styled by the English, Falkland Islands, by the French, Iles Malouines, and by the Spaniards, Islas Malvinas.

FIRST SETTLEMENTS ON THE FALKLAND ISLANDS.

It has been already mentioned that the Falkland Islands were in all probability never inhabited until 1764; and it does not appear that they seriously engaged the attention of the ruling powers of any civilized nation before that year, except on one occasion.

In 1748, in consequence of the representations made by Commodore Anson, on his return from the Pacific, the British government resolved to establish a colony and military post at some point near Magellan's Strait, in order to afford the means of refuge, refreshment, and repairs, to vessels on their way to or from the Pacific; and two ships were equipped for the purpose of surveying the Falkland Islands, which appeared to offer great advantages for the projected settlement. The court of Madrid, however, became informed of the plan, and remonstrated so strongly against it, that

the expedition was countermanded, and the seals and penguins on the Falkland Islands were left undisturbed for sixteen years longer.

It should here be observed, that *the whole American continent, and the adjacent islands*, (with the exception of Brazil,) *as well as the western part of the Atlantic Ocean, and the whole of the Pacific*, were originally claimed by the Spanish monarchs as their exclusive property, in virtue of the concession made to them by Pope Alexander the Sixth, in his celebrated Bull of Partition issued in 1493, the year after the discovery of the new world by Columbus. Over all these lands and seas, the sovereigns of Spain insisted on exercising absolute control; and the people of foreign countries were prohibited, under pain of death, from touching the shores or navigating the waters. When however, in process of time, other nations, refusing to recognise the validity of this concession, or to submit to these prohibitions, founded and resolved to maintain establishments in America, the Spanish government endeavored to fortify its title by advancing new claims on the ground of first discovery, which were scarcely less extravagant than those derived from the Papal Bull. The discoveries of the Spaniards in the new world, and the adjacent seas, were certainly extensive and important; but unfortunately for Spain, the information thus obtained was generally kept secret by her government, with the object of securing all the advantages which might accrue from it; while the English, the French, and the Dutch, on the contrary, published accounts of their explorations as soon as they had been made. The consequence was, that when disputes arose between Spain and either of the last-mentioned powers respecting the right of sovereignty over territories in America, the Spanish government could only produce, in evidence of priority of discovery by its subjects, bare assertions, or manuscript journals and charts of questionable authenticity, against the undoubted proofs afforded on the other side, by works, which had been printed and open to all, ever since the period of the occurrence of the facts therein stated.

But even when the proofs of first discovery were clearly in favor of Spain, no other powerful nation would submit to be forever excluded from a vast unoccupied territory, merely because some point on its coast might have been first seen by a Spaniard; and accordingly during the seventeenth century, the English, the French, and the Dutch, planted colonies on the Atlantic side of North America, and in the West India Islands, from which swarms of *free-traders* and *freebooters*, indirectly encouraged by their governments, were sent forth to infest the Spanish American coasts.

Of these contemnners of the assumptions and prohibitory regulations of the Catholic monarchs, the most persevering, resolute, and successful, were the English, who in time showed themselves to be no less grasping than the Spaniards; for in the middle of the seventeenth century, they claimed, in virtue of a few little settlements near the Atlantic, *the whole coast of North America on that ocean, from Florida to Canada, and the whole of the continent thence extending westward to the Pacific*. The Spanish government constantly refused to admit their title to any spot in the new world until 1670, when a treaty was concluded between the two powers, in which it was agreed, that the king of Great Britain and his successors should have and enjoy, with plenary right of sovereignty and property, all territories then possessed by him or his subjects in the West Indies, or in any part of America. This agreement was renewed and confirmed by

the treaty of Utrecht, in 1713, in which it was also stipulated, that the ancient limits of the *Spanish West Indies*, and the exercise of navigation and commerce there, should be settled and remain as they were in 1700, at the time of the death of King Charles the Second of Spain. The terms of these conventions were however so vague, that they seemed rather to increase than to lessen the causes of dispute. The meaning of the expression *Spanish West Indies* never could be fixed or defined to the satisfaction of both parties; it was impossible for them ever to agree as to what were the limits of their respective possessions, or the state of the navigation and trade in that part of the world, at the time of King Charles the Second, or at any other time; and during the short intervals of peace between the two nations, controversies were daily arising, as to whether a certain British settlement was situated, or a British vessel had been seized, in or out of the limits determined in the treaty of Utrecht.

Questions of this nature have occasioned almost all the wars between Spain and Great Britain since the discovery of America; and disputes from similar causes arose between Spain and France, and between the latter power and Great Britain. At length, in 1763, treaties were concluded at Paris, which promised to ensure a continuance of peace among those nations. France surrendered Louisiana to Spain, and to Great Britain the remainder of her possessions in North America; and the Mississippi river (except the southernmost part) became the boundary separating the dominions of Spain from those of Great Britain on that continent. The latter power acquired great additional strength by these arrangements; but on the other hand, France and Spain were, or were supposed to be, firmly bound together, not only by this removal of causes of dispute, but also by the famous treaty of alliance between their sovereigns, called the *Pacte de Famille*, or *Family Compact*.

In this treaty, which had been devised and carried to conclusion by the energetic Duc de Choiseul, then sole director of the affairs of France, the two sovereigns engaged to consider as their common enemy every power which should become the enemy of either, and they guarantied to each other all their possessions, in every part of the world. Nevertheless, immediately after this re-establishment of peace between Great Britain, Spain, and France, each of those powers engaged in the commission of acts calculated to offend and irritate another. Thus in 1764, the French expelled from Turk's Island (a small uninhabited sand-bank rising above the sea near the north coast of Saint Domingo) a number of English, who were there engaged in collecting salt: the Spaniards endeavored, in like manner, to confine the British mahogany-cutters on the Yucatan coasts within narrower limits than those to which they had been long accustomed; and the Falkland Islands became, about the same time, the scenes of trespasses, by the British and the French, on the asserted rights of Spain.

After the transfer of Acadie, or Nova Scotia, by the French to the British in 1763, a number of the inhabitants of that country, being unwilling to remain there, were carried to France, where the government was obliged to contribute to their support; and in order to provide for them, M. de Bougainville, a gentleman of rank and fortune, who had served with distinction in the army in Canada, proposed to transport those who might be willing to go, to the Falkland Islands, and to establish them at some place convenient for vessels engaged in the trade of the Pacific. The minister Choiseul readily entered into the scheme; and in September of the same

year, Bougainville sailed from Saint Malo with two ships, carrying a few Acadian families as emigrants to the islands. The vessels stopped at Saint Catharine in Brazil, and at the mouth of the Rio de la Plata, where they took on board cattle and other articles for the colony; and after examining several places on the islands, they on the third of February, 1764, anchored in the safe and spacious bay on the northeast side of the East Malouine, which they named *Baie d'Acarron*, now generally called *Berkeley Sound*. Here they landed and took possession of the country for the king of France, burying in various places medals, bearing on one side the words—“*Tibi serviat Ultima Thule*,”—and on the other, an inscription commemorating this appropriation of the territory.

Ere the French had been long on the island, they were subjected to many difficulties, and found many causes of discontent. Their cattle escaped, and only a few of them could be recovered. They had brought only a small supply of provisions, expecting to obtain game in abundance; but after they had killed some of the sea-birds, the others became very shy, and the settlers were obliged to live on seals. The entire want of trees seemed also to present an insuperable objection to their remaining; they however discovered the peat, which proved to be excellent fuel; their chief made voyages to the South American coasts, from which he brought timber for their houses; and with the assistance of the seamen, they soon built a little town and fort, at the western extremity of the bay, to which they gave the name of *Port Louis*. Bougainville having thus planted his colony, sailed to France in June, with a cargo of seal-skins. In the following year he returned to Port Louis, bringing other settlers; after which he again sailed to Europe, leaving the establishment, containing seventy-nine inhabitants, under the charge of M. de Nerville.

These proceedings of the French did not fail to rouse the jealousy of the British government, and the project of forming an establishment on the Falklands or in their vicinity, was revived. Captain Byron, (grandfather of the poet,) who sailed from England in June, 1764, on a voyage of discovery to the Pacific, was accordingly instructed to seek for some spot proper for that purpose; “and whereas,” says the preamble to his instructions, “*His Majesty's islands*, called Pepy's Island, and Falkland's Islands, lying within the said track, notwithstanding their having been first discovered and visited by British navigators, have never yet been so sufficiently surveyed as that an accurate judgment may be formed of their coasts and products; His Majesty, taking the premises into consideration, and considering no conjuncture so proper for an enterprise of this nature as a period of profound peace, which his kingdom at present happily enjoys, has thought fit that it shall be undertaken.”

The claim to the possession of the islands thus set forth, could only have rested on their supposed first discovery by Davis or Hawkins, and the visit made to them in 1690 by Strong, whose journal was then, and still remains unpublished. The justice of such an assumption of sovereignty on such grounds may certainly be questioned. That a nation, whose subjects have discovered a country, the existence of which was before unknown, should derive from such discovery the right to occupy, and after occupation to exercise sovereignty over the country, may be admitted as a general rule; but this general rule is liable to many difficulties and exceptions in its application, and the right thus derived cannot surely be regarded as subsisting forever to the exclusion of all other nations. It is not always easy to

decide how far a discovery may have been so new and complete as to give a just right of occupation ; or to what extent of country a title of sovereignty may have been acquired by a settlement. History shows that these, like nearly all other questions of national law, have been in each case generally determined according to the interests of the strongest party, without regard to precedent ; and it is not probable that any one principle on the subject will be universally established so long as any part of the earth remains unappropriated by some civilized nation.

In order to exhibit the views of the British government on these points, as officially set forth in 1826, a passage will here be quoted from the *Statement* delivered by Messrs. Huskisson and Addington, the commissioners of that government, to Mr. Gallatin, the plenipotentiary of the United States at London, during the negotiation between the parties relative to the northwest coasts of North America.* “Upon the question how far priority of discovery constitutes a legal claim to sovereignty, the law of nations is somewhat vague and undefined. It is, however, admitted by the most approved writers—that *mere accidental discovery, unattended by exploration—by formally taking possession in the name of the discoverer’s sovereign—by occupation and settlement more or less permanent—by purchase of the territory, or receiving the sovereignty from the natives—constitutes the lowest degree of title ; and that it is only in proportion as first discovery is followed by any or all of these acts, that such title is strengthened and confirmed.*” Such was the opinion of the British government in 1826 ; and means have already been offered for ascertaining how strong the title of the British government to the Falkland Islands would have been on these principles in 1765.

Agreeably to his instructions, Captain Byron examined the Falkland Islands, and found in them several harbors, to one of which, situated on the north side of the West Falkland, he gave the name of *Port Egmont*, in honor of the Earl then at the head of the admiralty ; it had, however, been visited in the preceding year by Bougainville, who called it *Port de la Croisade*. On the 23d of January, 1765, Byron landed on the shore of this harbor, and “took possession of it and of *all the neighboring islands*, for His Majesty King George the Third of Great Britain ;” after which he pursued his voyage to the Pacific, leaving Captain Macbride in a sloop of war, with orders to survey the archipelago, and then to carry to England the results. Macbride accordingly circumnavigated the group, in the course of which he discovered the French settlement at the Baie d’Accarron, named by him *Berkeley Sound* ; and having warned the colonists to depart from the territories of His Britannic Majesty, he returned to England in the latter part of the year.

Upon the representations of Byron, in favor of the situation of Port Egmont, and the facility of obtaining food there, the British ministers determined to found an establishment on that spot ; and Macbride was immediately sent back for the purpose, with about one hundred persons, in the Jason frigate, which reached the harbor in January, 1766. The English, by great exertions, were enabled to get their first habitations completed before the winter ; they were, however, as little pleased with their new place of residence, as the French had been with Berkeley Sound ; and Mac-

* See President Monroe’s Message to Congress, of March 15th, 1828 : page 52.

bride's descriptions of it, as reported by Johnson, were any thing but flattering.*

DISPUTE BETWEEN GREAT BRITAIN AND SPAIN RESPECTING THE FALKLAND ISLANDS.

Thus, in the early part of 1766, a French and an English establishment were existing in the Falkland Islands, the united population of which amounted to about two hundred ;—a greater number of persons than have ever before or since that year been at one time on the archipelago. The right of each of these nations to form such establishments on islands in the ocean, uninhabited and far removed from the possessions of any other civilized power, will scarcely be questioned at the present day ; though the French might have cited precedents in favor of their own title to the exclusive sovereignty of the whole group, by virtue of their prior occupation. The government of Spain, however, clinging to its ancient pretensions, and dreading the invasion of the Pacific by its rivals, determined to resist their attempts to appropriate these islands at the entrance of that sea ; and the prime minister Grimaldi accordingly remonstrated with the courts of Versailles and Saint James, against the continuance of the settlements made by their respective subjects on the territories of His Catholic Majesty.

The Duc de Choiseul, on the part of France, was at first determined not to yield to this requirement ; and an angry correspondence ensued between the two ministers, who at length began to make preparations for war. Louis the Fifteenth, king of France, however, became aware of what was going on ; and being anxious to pass the remainder of his life in quiet, he forbade his minister from proceeding further in the dispute, and wrote himself to his cousin, Charles the Third of Spain, declaring his readiness to withdraw his subjects from the Malouines, provided they should receive indemnification for their expenses from Spain. To this the Spanish monarch readily agreed ; and accordingly on the arrival of Bougainville in France, in the summer of 1766, he was himself despatched by his sovereign to Madrid, where, on the 4th of October following, he signed an engagement to deliver up Port Louis to Spain, on receiving a sum equal to about a hundred and twenty thousand dollars, "being the amount of the expenses incurred by the Saint Malo Company, in founding their *intrusive establishments in the Malvinas Islands belonging to His Catholic Majesty.*" In execution of this agreement vessels were sent to Port Louis, in which the colo-

* "He found what he calls a mass of islands and broken lands, of which the soil was nothing but bog, with no better prospect than that of barren mountains beaten by storms almost perpetual. Yet this, says he, is summer ; and if the winds of winter hold their natural proportion, those who lie but two cables' length from the shore must pass weeks without any communication with it. The plenty which regaled Mr. Byron, and which might have supported not only armies, but armies of Patagons, was no longer to be found. The geese were too wise to stay when men violated their haunts ; and Mr. Macbride's crew could only now and then kill a goose, when the weather would permit. All the quadrupeds which he met there were foxes, supposed by him to have been brought by the ice ; but of useless animals, such as sea-lions and penguins, which he calls *vermin*, the number was incredible."—*Thoughts on the Falkland Islands, by Dr. Samuel Johnson—published in 1771.*

nists were brought back to France : the Spaniards then took possession of the place, changing its name with due solemnity to *Soledad* ; a garrison was fixed there, and the establishment was maintained under the authority of the governor of Buenos Ayres until 1808. It is generally supposed that Bougainville and his settlers were well contented with this arrangement ; as it had become evident that the colony could not support itself, either by agriculture, or by trade, or by furnishing supplies to vessels, or in any other way.

The endeavors of the court of Madrid to prevail on the British government to withdraw its subjects from the Falkland Islands were not successful. Of the discussions between the parties on the subject, nothing is publicly known, except that *such discussions did certainly take place*, though more than one British historian has declared the contrary. There is, however, reason to believe that the representations of the Spanish government were treated with haughty indifference, if not with contempt, by the British ministry ; and that Spain was in consequence reduced to the alternative of yielding to Great Britain rights which she had denied to France, or of employing force to vindicate them. At length, when three years had passed by, without any prospect of a peaceful conclusion of the difficulty, in a manner satisfactory to Spain, it was determined at Madrid that the British should be removed from the Falkland Islands at all hazards ; and operations for that purpose were, in 1769, commenced by Don Francisco Bucareli, the governor of Buenos Ayres, within whose jurisdiction the islands were supposed to be situated. The events which followed this determination will now be presented as they occurred.

In November, 1769, Captain Hunt, of the British frigate *Tamar*, then lying at Port Egmont, observed a Spanish schooner engaged in surveying the entrance of that harbor, and ordered her away. A few days afterward the same schooner re-appeared, bringing a small present of refreshments from the governor of Soledad, (the Spanish port on Berkeley Sound,) to Captain Hunt, together with a letter, in which the governor expressed his surprise, that a vessel belonging to His Catholic Majesty should have been ordered to quit a Spanish sea, and that subjects of a friendly nation should have settled on a Spanish island ; concluding by a summons to the British, in civil though positive language, to evacuate the place. Captain Hunt replied in the same tone and manner ; asserting the right of his own sovereign, founded on discovery and settlement, to the possession of the islands, which he warned the Spaniards to quit within six months. Other letters to the same effect passed between the two officers, through the medium of the Spanish schooner ; and at length, in February, 1770, two Spanish frigates appeared at Port Egmont, the commander of which repeated the summons to the British, and received the same answers as had been given to the governor of Soledad.

Upon the departure of these vessels, Captain Hunt sailed for England, where he arrived on the 3d of June, and communicated what had taken place to the ministry. In the course of the ensuing summer, information was also received from Mr. Harris, the British chargé d'affaires at Madrid, that extraordinary activity prevailed in the naval arsenals of Spain ; and it was afterward, about the 12th of September, distinctly ascertained, and admitted as true by the Spanish ambassador at London, that a squadron had been despatched from Buenos Ayres for the purpose of dislodging the

settlers at Port Egmont. All these circumstances were kept secret by the British ministry: nevertheless rumors of the existence of difficulties, and of a prospect of war with Spain, became current throughout the kingdom; and eminent members of both houses of parliament, among whom was Lord Chatham, openly expressed their belief, that a blow was about to be struck by Spain against the British in some part of the world.

To return to the Falkland Islands.

On the 4th of June, 1770, the Spanish frigate *Industria*, commanded by Don Juan Ignacio Madariaga, general of marine, entered Port Egmont; and two days afterward, four other ships of the same class and nation were anchored in the harbor before the little town. The only British vessel there was the sloop of war *Favorite*, of sixteen guns, commanded by Captain Maltby; and the only fortifications on the land were a block-house and a mud-battery, mounting together four twelve-pounders. The number of persons belonging to the establishment was about a hundred and twenty; the *Favorite*, however, had on board, in addition to her own crew, that of the sloop of war *Swift*, which had been a short time previous wrecked on the South American coast; so that the English could have mustered in all about four or five hundred men.

As soon as the last-arrived Spanish ships had anchored, Captain Farmer, the acting governor of the colony, ordered the captain of the *Favorite* to take a position nearer the shore, for the defence of the town; but when the latter attempted to obey this order, two shot were fired over him from the frigates, and he was in consequence obliged to remain quiet. The British captains then wrote to the Spanish commodore, requesting him to depart, as soon as he should have obtained the necessary refreshments; in answer to which, they received a letter from Madariaga, informing them—that he had come with a very large force, comprising fourteen hundred men, besides the crews of his vessels, and with an ample supply of artillery and ammunition, with orders from his government to expel the British from the islands; and that unless they prepared immediately to depart, he would oblige them to do so, and they would be themselves answerable for the consequences. With this summons Farmer refused to comply, and he continued his preparations for defence; on seeing which, Madariaga addressed to him another letter on the 9th, declaring that unless within fifteen minutes after its receipt he should give evidence of his readiness to abandon the islands, an attack would be commenced on him by sea and by land. The British, however, persisted in their determination not to yield, until the Spaniards had landed and opened their fire; when, upon finding all attempts at resistance vain, Farmer proposed terms of capitulation, to which the commodore assented; and the place was accordingly occupied by the Spaniards on the 10th of June. The settlers were embarked on board the *Favorite*, and allowed to take with them such property as they chose to carry away; the remainder being left under inventory in the storehouse of the place; and this business having been completed, the sloop of war sailed for England on the 14th of July.

British historians have lavished ridicule on the Spaniards for sending so large an armament against a force so trifling as that at Port Egmont. But in the first place the Spaniards might reasonably have expected to find a British squadron in the harbor; and moreover, it was material to prevent resistance on the part of the settlers, because if blood had been

shed on the occasion, war between the two nations would inevitably have followed.

The Favorite, bringing the settlers and the news of their expulsion from the Falkland Islands, reached England on the 22d of September, 1770; and the whole people of that kingdom were immediately thrown into a fever of indignation against the Spaniards. The secretary of state, Lord Weymouth, addressed to the court of Madrid demands for *the instant restoration of the colonists to Port Egmont, and for reparation of the insult offered to the dignity of the British crown*, by their forcible removal from that place. To these demands the Spanish court at first gave evasive answers, endeavoring to change the question at issue into one respecting the right of sovereignty over the islands. Lord Weymouth, however, refused positively to discuss that or any other matter, until the restoration and satisfaction which he demanded had been made; and the preparations for war which had been already commenced, were prosecuted with vigor. After some further correspondence, Prince de Maserano, the Spanish ambassador at London, declared himself authorized to say, in the name of his sovereign, that *no particular orders* had been given to the governor of Buenos Ayres on this occasion, though that officer had acted agreeably to his *general instructions and oath* as governor, and to the general laws of the Indies, in expelling foreigners from the Spanish dominions; and that he was ready to engage for the restoration of the British to Port Egmont, without however ceding any part of His Catholic Majesty's claim to the Falkland Islands; provided the king of England would in return disavow the conduct of Captain Hunt in ordering the Spaniards away from Soledad, which, he asserted, had led to the measures taken by Bucareli. To this the British minister simply replied, that his sovereign could not receive, through a *convention* and under *conditions*, the satisfaction to which he considered himself justly entitled, for the attack on his rights and dignity by Spain; and after this answer little hope of an accommodation of the difficulties was entertained on either side.

At the commencement of the ensuing session of parliament, on the 13th of November, the king in his speech declared—that by the *act of the governor of Buenos Ayres*, in forcibly seizing one of his possessions, the honor of his crown, and the security of his people's rights, had been deeply affected; but that he had not failed to make an immediate demand for satisfaction, such as he had a right to expect from the court of Spain, and to direct the preparations necessary for enabling him to do himself justice, in case his requisition should fail in procuring it from that power. In the debates on the *address of thanks* in return for this speech, it seems to have been assumed as certain, that the ministers had accepted, or would accept, the disavowal by the king of Spain of the acts of the governor of Buenos Ayres, as sufficient satisfaction for the insult to the crown of Great Britain; and the opposition on these grounds commenced a violent attack on the party in power. It would be difficult to produce a series of invectives more bitter than those which compose the speech of Lord Chatham on this subject, delivered in the house of peers on the 22d of November. "The ministry," says his lordship, "have, without declaring themselves explicitly, taken pains to possess the public with an opinion, that the Spanish court have constantly disavowed the proceedings of their governor; and some persons have been shameless and daring enough to advise His Ma-

jesty to support and countenance such an opinion, in his speech from the throne. Certainly there never was a more odious, a more infamous falsehood imposed on a great nation. It degrades the king's honor—it is an insult to parliament. I repeat, that the court of Spain's having disavowed the act of their governor, is an *absolute and palpable falsehood*. The king of Spain disowns the thief, while he leaves him unpunished, and profits by his theft." In the sequel, the orator accused the ministry of incompetence and treachery, and branded the whole Spanish nation as mean, crafty, and faithless. No resolution was however taken in the legislature, calculated to bind the ministers, or to prescribe the course which they should pursue.

In the mean time, the king of Spain, after the rejection of the proposition made by his ambassador, had appealed to his cousin of France for aid, in virtue of the Family Compact, in resisting the attempts of the British to deprive him of a territory which had been formerly admitted by France to belong to him. As Louis the Fifteenth interfered but rarely in the concerns of his kingdom, this communication was referred to the Duc de Choiseul, who opened a confidential communication with the British minister of state, and endeavored to prevail on him to cede the point at issue with Spain, in the same manner as France had, in 1776. This, however, Lord Weymouth positively refused to do; whereupon, Choiseul ventured to declare to the court of Madrid, that France would, if necessary, support Spain in a war with Great Britain. King Charles the Fourth, on receiving this declaration, summoned a council of ministers on the 27th of December; and it was then determined, that the offer already made to the court of London by Prince Maserano, should be repeated, and that if this *ultimatum* were rejected, war should be immediately declared.

Before that day, however, important changes had taken place in the composition of the cabinets of London and of Versailles.

On the 21st of December, Lord Weymouth, after endeavoring in vain to induce his colleagues in the ministry to adopt a decisive course towards Spain, resigned his office, and was succeeded by Lord Rochford, who was inclined to make sacrifices for the sake of preserving peace. About the same day, King Louis the Fifteenth having been made fully aware by the representations of his mistress Madame Dubarry, and the other enemies of Choiseul at Versailles, that he was about to be plunged into a war with England, suddenly dismissed and banished his minister; and on the 24th of the month, he despatched an autograph letter to the king of Spain, declaring his resolution to maintain pacific relations with the other powers if possible. The receipt of this letter of course destroyed all idea of going to war on the part of His Catholic Majesty, who immediately wrote to King Louis, entreating him to take the whole matter into his own hands, and to act as if it were his own case; "remembering only that he had the honor of the Spanish monarch in his charge."

King Louis, being thus fully empowered, renewed the secret negotiation with the British government; which was conducted by M. François, the secretary of the French embassy at London, on the part of France,* and

* Count de Guisnes, ambassador of France at London, was at the same time engaged in a *regular and ostensible* correspondence on the subject with the British ministry, and is believed to have been entirely ignorant of the other and *real* negotiation carried on through his secretary; who, it may be added, is reported to have employed the

by Mr. Stuart Mackenzie on the other side ; and after a number of difficulties, on points of diplomatic etiquette, as well as on others more important, had been removed, the business was brought to a conclusion, on the 22d of January, 1771, the day of the meeting of parliament at London.

On that day, the Spanish ambassador presented to the British secretary of state a *declaration*, to the effect that—His Catholic Majesty, considering the desire with which he is animated for peace, and for the maintenance of good harmony with His Britannic Majesty, and reflecting that the *violence* committed on the 10th of June previous, in obliging the commander and subjects of His Britannic Majesty to evacuate Port Egmont, in the Falkland or Malvinas Islands, might interrupt this peace and good harmony, *has seen with displeasure the expedition* thus tending to disturb them, and *does disavow the said violent enterprise* ; and His Catholic Majesty engages to cause things to be restored *at Port Egmont* to the state in which they were before the said 10th of June, and to give up *that port and fort*, with all the property seized in it, to the person authorized by His Britannic Majesty to receive them. The ambassador however, at the same time, declares in the name of his king, that this engagement to restore *Port Egmont*, “*cannot nor ought in any way to affect the question of the prior right of sovereignty of the Malvinas Islands, otherwise called Falkland’s Islands.*” Lord Rochford, at the same time, presented to Prince Maserano a *counter-declaration*, in which—without *noticing in any way the reservation respecting the sovereignty of the Falkland Islands, contained in the other paper*—he simply recapitulates the remainder of the points therein touched, and ends by declaring in the name of His Britannic Majesty, “*that he will look upon the said declaration of Prince de Maserano, together with the full performance of the said engagement, as a satisfaction for the injury done to the crown of Great Britain.*”

These two papers, though each signed by one party only, cannot be separated in reasoning on their contents ; but must be considered in effect as one convention admitted by both parties. For it is not to be supposed, that the Spanish ambassador delivered his declaration without an entire knowledge of the answer which he was to receive ; or that either paper was signed until it had been fully approved by the parties to which it was to be delivered. If this view be allowed—and the burden of proof to the contrary must certainly rest on those who oppose it—the silence of the British minister with regard to the reservation made by the Spaniards, amounts at least to a direct acknowledgment on his part, that the fact of the restitution of Port Egmont was not to be considered as a surrender by Spain of her right of sovereignty over the Falkland Islands, which right was to remain the same as it had been before that restitution. It will hereafter be shown, that this view of the arrangement was certainly, though indirectly, supported by the ministers who concluded it ; while their opponents considered that the claim of Great Britain to any part of the islands had been virtually abandoned.

The declaration and counter-declaration were communicated by the British ministers to parliament, on the 25th of January, 1771 ; and it may be here mentioned, that *they were the only portions of the correspondence*

information possessed by him to his own personal advantage, by speculating largely in the British funds.—See *Anecdotes of the Life of Lord Chatham*, Chapter for many curious particulars relative to this affair.

between the two nations on this subject which have ever been made public. Whilst they dissipated the fears entertained by a great mass of the people who were anxious for peace, the ministers were on the other hand severely reprobated for the arrangement, by many persons both in and out of parliament, who were, or chose to appear, exceedingly jealous of the national honor. In the house of peers, Lord Chatham pronounced the whole transaction "an ignominious compromise, securing neither satisfaction nor reparation;" insisting that "the right was not secured, and that even the restitution was incomplete, as *Port Egmont alone was restored, and not the Falkland Islands.*" His lordship moreover moved, that the judges should be required to declare, whether in their opinion the British crown could hold any possessions or territories otherwise than in sovereignty; and whether the declaration of the Catholic king could be accepted and executed, without derogating from the inherent and essential dignity of that crown. In the house of commons, Messrs. Dowdeswell and Pownal (formerly governor in succession of New Jersey, Massachusetts, and South Carolina,) introduced resolutions censuring the ministers for their whole course in the business; and the measures of the government were examined and criticised with asperity by those gentlemen, as well as by Burke, and other members of the opposition. The ministers nevertheless, by means of their great majorities in both houses, defeated these and all other attempts of their opponents to embarrass them, and they carried their address to the king approving the arrangement, though a long protest against it was signed by nineteen peers.

Among the attacks directed against the ministers on account of their arrangement with Spain, from without the doors of parliament, the most severe and celebrated was that contained in a letter from *Junius*, dated January 30th, 1771. The *Great Unknown* there placed the results of the transaction in contrast with the determinations expressed by the ministers at its commencement, in the king's speeches, and on the floors of the legislative houses; and he accuses Lord North and his colleagues of treachery, in not having taken advantage, as they might, of the distraction of affairs in France, and the aversion of King Louis from war, to force a dissolution of the union between that power and Spain. Lord Rochford is unmercifully ridiculed for the barbarous French in which the counter-declaration is written; and *three lines* from the authentication of that document are quoted, in which are *seven instances* of false grammar.

On the other side, Dr. Samuel Johnson published his pamphlet, entitled *Thoughts on the late transactions respecting Falkland's Islands*; it was composed under the direction of Lord North, from materials furnished by the ministers, and has no doubt brought those islands to the notice of thousands, who would otherwise have remained ignorant of their existence. The work contains a general description of the islands, a narrative nearly correct of the principal events connected with their discovery and settlement, and a brief account of the negotiation just concluded respecting them; interspersed with reflections on the miseries occasioned by war, and also with piquant invectives against the leaders of the opposition, and their unknown champion *Junius*. The writer endeavors to show that the islands were of no value to Great Britain, and that her claim to them was by no means indisputable; that the satisfaction received from Spain was sufficient; and that it would have been unjust to insist upon a direct engagement, on her part, to abandon her title to the territory, as it might prove a

precedent for more important spoliations by others. The reasoning is not always conclusive, and the general tone of the paper is rather expostulatory than argumentative; it being intended rather to make the reader content with what had been done by the ministers, than to convince him that they had effected all which could or should have been done. It is beautifully written, and may be read with advantage by every one. In the philippic portions, the prejudices of the author against the opposers of monarchical prerogatives break forth; but each line of the remainder exhibits the effects of that spirit of universal philanthropy by which his views on all subjects were chiefly directed.

As the work above mentioned may be considered in the light of a semi-official announcement of the opinions of the ministers who concluded the arrangement with Spain, some extracts from it may be introduced with propriety.

After recapitulating the substance of the declaration and counter-declaration, Johnson says:—"This is all that was originally demanded. The expedition is disavowed, and the island is restored. *The Spaniards have stipulated that the grant of possession shall not preclude the question of prior right*; a question which we shall probably make no haste to discuss, and a right of which no formal resignation was ever required. This reserve has supplied matter for much clamor, and perhaps the English ministry would have been better pleased, had the declaration been without it. But when we have obtained all that was asked, why should we complain that we have not more? when the possession is conceded, *where is the evil that the right which that concession supposes to be merely hypothetical, is referred to the Greek calends for a future disquisition?*

"To push advantages too far, is neither generous nor just. Had we insisted on a concession of antecedent right, it may not misbecome us, either as moralists or politicians, to consider what Grimaldi [the Spanish minister] could have answered. We have already, he might say, granted you the whole effect of right, and have not denied you the name. We have not said that the right was ours before this concession, but only that *what right we had is not by this concession vacated.*

"Whether the ministers might not equitably have demanded more, is not worth a question. The utmost exertion of right is always invidious; and where claims are not easily determinable, is always dangerous. We asked all that was necessary, and persisted in our first claims, without mean recession, or wanton aggravation.

"The question of right was inexplicable and endless. The ministers left it as it stood. To be restored to actual possession was easily practicable: this restoration they required, and obtained."

These passages—and many others to the same effect may be found in Johnson's pamphlet—show conclusively that *the British ministers did not, in 1771, deny that they had admitted the reservation of right made by the Spaniards in their declaration.*

In execution of the engagements contained in the Spanish declaration, an order was issued by the court of Madrid, on the 7th of February, 1771, for the immediate restitution of Port Egmont, with all the property which had been seized there in the preceding year, to the persons appointed by the British government to receive them; and agreeably to this order, the place was formally delivered, on the 16th of September following, by the

Spanish commandant Orduna, to Captain Stott of the British frigate *Juno*, who had been sent with three ships of war to resume the possession.

A rumor had however in the mean time become current, and generally credited, that on the conclusion of the arrangement between the two governments, the British ministers had secretly engaged to give back Port Egmont to Spain, or at least to withdraw all British forces from the place within a short period after it should have been formally restored according to the terms of the declaration. A hint of the existence of such a secret agreement appears in the letter of Junius above mentioned, and it was distinctly brought forward as most probable by Pownal, on the 5th of March, 1771, in his speech supporting his motion for censuring the ministry. After reviewing the grounds maintained by the Spanish government, and the claims and pretensions set forth in the declaration, Pownal insists that, "to permit the Spanish court to reason upon any such grounds—to admit any such data in negotiation—not to obviate by any contravention or protest those provisions and doctrines—was, as far as was in the power of the ministry, *in effect to recognise these claims and pretensions*, [to the exclusive sovereignty of South America, and the islands in the adjoining seas, and the exclusive navigation of those seas,] *to give up the right to Falkland's Island, and to disclaim all right in us to make any settlement in those parts*; and whatever may be the present ostensible form of the convention, mark well the end—it will end on our part, *either in the actual cession of the island, or in a gradual dereliction of it*. Without some such idea as this—namely, that *as soon as reparation is made to our honor, for the violent and hostile manner in which we were driven off that island, and as soon as we were put in a situation to evacuate it of our own motion, it is tacitly understood we are to cede it*—without some such idea as this, the whole of the negotiation is inexplicable and unintelligible; but taking this line as going to a matter mutually understood, the whole is plain, definite, and but of one construction." To this direct charge, made by an influential member, no answer whatever was given on the part of the ministers, whose silence on such an occasion is certainly calculated to confirm the supposition, that it was not without foundation.

The belief that such a secret engagement to evacuate Port Egmont *was* made by the British government, in January, 1771, has been distinctly affirmed by all the British as well as Spanish historians,* who have de-

* See the histories of England by Belsham, Miller, Coote, Hughes, and Wade; and the *Anecdotes of the Life of Lord Chatham*, in which are contained many curious circumstances relative to the dispute. In the latter work, chapter 39, we find the following account of the conclusion of the affair.

"While Lord Rochford was negotiating with Prince Maserano, Mr. Stuart Mackenzie was negotiating with M. François. At length, about an hour before the meeting of parliament, on the 22d of January, 1771, a declaration was signed by the Spanish ambassador, under French orders, and a French indemnification for the restitution of Falkland's Islands to His Britannic Majesty; but the important condition upon which this declaration was obtained, was not mentioned in the declaration. This condition was, that the British forces should evacuate the Falkland Islands as soon as convenient after they were put in possession of Port and Fort Egmont; and the British ministry engaged, as a pledge of their sincerity to keep that promise, that they would be the first to disarm.

"These facts are confirmed by Count de Guines, in his memorial against Mes-

scribed these transactions. It is moreover strongly supported by the facts, that in 1772 the British force in the Falkland Islands was reduced to one small vessel, with about seventy-five men, and that in 1774, the islands were entirely abandoned by the British; and it is still further confirmed by Johnson, who, in an edition of his pamphlet published after this abandonment, presents a dismal picture of the island and of the miseries sustained by the garrison during its occupation; adding, "to all this the government has now given ample attestation, for the island has been since abandoned, and perhaps was kept only to quiet clamors, with an intention, not then wholly concealed, of quitting it in a short time."

Upon reviewing all the circumstances connected with these transactions, there appears to be no reasonable ground for doubting that the British government *did* promise to withdraw its subjects from the islands, within a short time after they should have been surrendered by Spain according to her engagements. On the other hand, Lord Palmerston, the British secretary for foreign affairs, in a letter (hereafter mentioned) on the subject of the Falkland Islands, addressed, in 1834, to the envoy of Buenos Ayres at London, produces a number of extracts from official documents remaining in the archives of his department, which, he conceives, "*afford conclusive evidence that no such secret understanding could have existed.*" The parts of this letter relating to the question now under examination will here be noticed.

With regard to the documents cited by Lord Palmerston, it will be observed in the first place, that they are, with the exception of the declaration, the counter-declaration, and the order from the court of Madrid for the restitution of Port Egmont, merely extracts from communications which passed between the British ministers and their *own* envoys or agents; and that among the whole, there are very few which throw, or could have been expected to throw, any light whatsoever on the question. It is not easy to divine for what purpose his lordship could have cited the three papers above indicated, or the three lines addressed to the British chargé d'affaires at Madrid, accompanying the declaration and counter-declaration, immediately after their exchange; or Lord Rochford's letter to the

sieurs Tort, Roger, and Depelch, who had charged him with gambling in the English funds.

"During the month of February, 1771, the Spanish minister at Madrid hinted to Mr. Harris, (chargé d'affaires of Great Britain,) the intention of the Spanish court to require of the British ministry a perfection of engagements, as they were mutually understood. Mr. Harris's despatch, containing this hint, was received by the ministry on the 4th of March. Three days afterward a Spanish messenger arrived, with orders to Prince Maserano, to make a positive demand of the cession of Falkland's Islands to the king of Spain. The Spanish ambassador first communicated his information of these orders to the French ambassador, with a view of knowing if he would concur with him in making the demand. On the 14th, they held a conference with Lord Rochford on the subject. His lordship's answer was consonant with the spirit he had uniformly shown. In consequence of this answer, messengers were sent to Paris and Madrid. The reply from France was civil, but mentioned the Family Compact. The answer from Spain did not reach London till the 20th of April. In the mean time, the ministers held several conferences with Mr. Stuart Mackenzie. The result of the whole was, the English set the example to disarm, and Falkland's Islands were totally evacuated and abandoned in a short time afterward, and have ever since been in the possession of the Spaniards."

lords of the admiralty, detailing the arrangements to be observed in the re-occupation of Port Egmont ; or the report on the conclusion of that business made by Captain Stott to the admiralty ; or the despatch from the British ambassador at Madrid, saying that he had conveyed the intelligence of the restitution to the Spanish minister, who seemed well pleased but entered into no conversation about it ; or the letter from the lords of the admiralty to Lord Rochford, informing him of the replacement of the stores which had been removed from the settlement at the time of its seizure by the Spaniards. Of these papers, the only important ones had been before the world from the day of their signature ; and the others merely afford details of no value, respecting affairs of which no one was ignorant.

The other documents quoted in Lord Palmerston's letter, are all extracts from despatches which passed between Lord Rochford and the diplomatic representatives of Great Britain and Madrid, from February, 1771, to February, 1774. On the 14th of February, 1771, Mr. Harris, the British chargé d'affaires at Madrid, writes to Lord Rochford, that the Spanish ministers keep the declaration as secret as possible, and report that they have received a verbal assurance that the Falkland Islands will be abandoned by the British in two months. Lord Rochford, on the 8th of the following month, informs Mr. Harris of the preparations made for resuming possession of Port Egmont, which he had already communicated to Prince de Maserano ; he then continues, " I think it right to acquaint you, that the Spanish ambassador pressed me to have some hopes given him of our agreeing to a mutual abandoning of Falkland's Islands ; to which I replied that it was impossible for me to enter on that subject with him, as the restitution must precede every discourse relating to those islands. You will endeavor on all occasions to inculcate the absurdity of Spain having any apprehensions from the state in which Port Egmont was before its capture, or the force now sent out, of His Majesty's intending to make use of it for the annoyance of their settlements in the South Sea, than which, nothing can be further from the king's inclination, who sincerely desires to preserve peace between the two nations."

On the 6th of March, 1772, Lord Rochford informs Lord Grantham, the British ambassador at Madrid, " that His Majesty had determined to reduce his forces on the Falkland Islands to a small sloop, with about fifty men and twenty-five marines on shore ; which will answer the end of keeping the possession, and at the same time ought to make the court of Spain easy as to our having any intention of making it a settlement of annoyance to them ;" and the last paper cited is a despatch from the same minister to the same ambassador, dated February 11, 1774, declaring the intention of their government to remove all their forces from the islands, " leaving there the proper marks and signals of possession, and of its belonging to the crown of Great Britain ;" and directing the ambassador to make this intention known to the court of Madrid, where it would doubtless give pleasure, as " being likely to discourage them from suspecting designs, which they must now plainly see never entered into our minds. I hope they will not suspect," continues Lord Rochford, " or suffer themselves to be made to believe that this was done at the request, or to gratify the most distant wish of the French court ; for the truth is, that it is neither more nor less than a small part of an economical naval regulation."

By the papers enumerated in the two preceding paragraphs, it is rendered

probable that the British ministers may not have informed the persons with whom the correspondence took place, that they had promised to evacuate Port Egmont soon after its restitution; and there certainly was no necessity that they should have done so, if they had made the promise, while on the contrary it was material, and indeed essential, for their continuance in power, that they should suppress all proof of their having taken an engagement which the whole British nation would have considered as dishonoring. It is certainly not a novelty in diplomacy, that the envoys and agents of a government should be kept in ignorance of matters understood or in discussion between their own ministers of state and those of the country to which they are accredited. History offers numerous examples of such transactions; and we have seen that the negotiation by which the dispute now in question was settled, was conducted on the part of France by the secretary of her embassy at London, while her ambassador himself had no knowledge of it. We, moreover, learn positively from the papers quoted by Lord Palmerston that the Spanish government did, in March, 1772, press for "*a mutual abandonment of the Falkland Islands,*" and did receive answer, that "*the restitution must precede every discourse relating to them;*" and we are to infer that the French government did express its desire for the withdrawal of the British from those islands. The British secretary for foreign affairs should certainly have showed distinctly whether or not any such discourse took place; and if so, what was the result: on those points, however, nothing appears in his letter.

Lord Palmerston, also, conceives that "*the reservation contained in the Spanish declaration cannot be admitted to possess any substantial weight, inasmuch as no notice whatever is taken of it in the British counter-declaration which was exchanged against it.*" Upon this point it may be remarked, in addition to what has been already offered, that very different views with regard to reservations of right to territories restored, were maintained by the British government in 1826; when the reservation asserted to have been made, was in favor of Great Britain. Astoria, a settlement at the mouth of the Columbia river, which had been taken by the British from the Americans during the war in 1813, was, agreeably to the treaty of Ghent, restored to the United States in October, 1818. The only papers exchanged between the commissioners of the two powers on that occasion, were an *act of delivery*, and an *act of acceptance*. By the first, the settlement is simply restored, "*in conformity to the first article of the treaty of Ghent,*" and "*in obedience to the commands of the Prince Regent, signified in a despatch from Earl Bathurst;*" and it is accepted in the same unqualified manner; neither of the papers containing the slightest allusion to any claim or reservation of right by Great Britain. Yet eight years afterward, in an official statement* presented by the British commissioners, Messrs. Huskisson and Addington, to Mr. Gallatin, the plenipotentiary of the United States at London, during a negotiation relative to the territory thus delivered, it is asserted that "*particular care had been taken on the occasion of the delivery to prevent any misapprehension as to the extent of the concession made by Great Britain;*" and as evidence of this *particular care*, are cited two despatches from the British ministers to their own agents, never before published or communicated in any way to the govern-

* Documents accompanying President Adams' Message of March 15th, 1828—page 57.

ment of the United States. One of these despatches is that of Lord Bathurst, mentioned in the *act of delivery*, in which it seems that his lordship had inserted in a parenthesis the words, "*without, however, admitting the right of that government to the possession in question:*" the other despatch is addressed to the British envoy at Washington, instructing him to assert the claim of Great Britain to the same territory; which instruction, it is said, was *verbally executed*. "The above documents," conclude the British commissioners, "put the case of the restoration of Fort Astoria in too clear a light to require further observation." Thus we see the British government in 1826, pronouncing valid a reservation, which if made by one party was never communicated to the other; and in 1834, denying the force of a similar reservation openly inserted in an official paper, addressed to and formally received as sufficient by the other party.

To conclude with regard to the occupation and relinquishment of Port Egmont by the British:—That settlement was probably founded for no other reason, than because the French had made an establishment at Port Louis; and nothing but pride could have induced the British ministers to maintain it so long at so great an expense, after its uselessness had been demonstrated. That they did promise the Spaniards to withdraw from it, soon after it should have been restored, there seems to be strong ground for believing; and if so, they are certainly to be praised instead of being blamed for so doing. The whole business of the arrangement in the dispute seems indeed to have been a diplomatic farce; the object of which was rather the restitution of the British people to good humor, than the restitution of Port Egmont to the British king. The place was restored only that it might be abandoned; the Spaniards reserved their right to it, on the condition that the right of Great Britain should not be questioned; and Bucareli, whose acts had been disavowed by his sovereign, was soon after received with distinction by that sovereign at Madrid, and in 1775, was raised to the viceroyalty of Mexico, one of the highest and most lucrative posts in the Spanish empire.

OCCUPATION OF THE FALKLAND ISLANDS BY SPAIN.

After the evacuation of Port Egmont by the British, in 1774, that place remained and still remains deserted. Whatever may have been the original value of the British claim to that spot, or the circumstances which led to or accompanied its abandonment, no objection appears to have been made at any time on the part of Great Britain, to the possession of Soledad by the Spaniards, who continued there in undisturbed exercise of all the rights of sovereignty, not only over the East Falkland, but over the whole group, until about the year 1808. Attempts were also made at this time to form establishments on the coast of Patagonia, but they were all unsuccessful.

Of the extent of the Spanish settlement at Soledad during this period, we have no distinct accounts. The remains of the town show, that though small, it was tolerably well built; and provided with a government house, church, storehouses, and forts, all of stone. It was under the superintendence of an officer entitled *Commandant of the Malvinas*, who was dependent on the viceroy of La Plata; and vessels of war were from time to time sent from Buenos Ayres to cruise among the islands, and to warn all vessels of other nations against trespassing on the coasts.

These warnings appear to have produced very little effect; for the Falkland Islands were much frequented by the sealing and whaling vessels, especially by those of the United States, which began to resort to them about the year 1786, in order to fish or obtain water, and sometimes to hunt the wild cattle abounding on the East Falkland. Many American vessels indeed carried letters from the Spanish envoys and consuls in the United States, recommending that they should not be disturbed, in case of their resorting to the islands to obtain water; but the commandants paid no attention to such letters, and uniformly ordered the vessels away; while the Americans, on the other hand, appear to have as uniformly disregarded these orders. We have however no account of the seizure or actual ill-treatment of any American vessel in those seas by the Spaniards, whose warnings were probably intended by their government, merely as assertions of the right of sovereignty over the adjacent territories.*

In 1790, another dispute arose between Great Britain and Spain, in consequence of the seizure by a Spanish officer, of some British vessels, and of a pretended British factory at Nootka Sound,† on the northwest coast of North America, during the summer of 1789. The principles involved in this dispute were nearly the same as those which had been discussed between the two governments in 1770, with regard to the Falkland Islands; and the affair for some time took the same course. The Spanish government refused to surrender its pretensions to the exclusive navigation of the Pacific and Southern oceans, and to the sovereignty of the vacant portions of America bordering upon those seas; and the Catholic king called on his cousin of France for aid, agreeably to the Family Compact, in resisting the demands of Great Britain. But the state of things in France was very different from that which existed in 1770; the king was no longer absolute; and the national assembly, to which the application of the Spanish monarch was referred, embraced the occasion to annul the Family

* Many curious particulars respecting the Falkland group may be found in the published narratives of some of these whaling voyages; as for instance in those of the Americans, Barnard, Fanning, and Morell; and in that of Captain Weddell, an Englishman, who passed several years in the South Atlantic and Pacific oceans. Barnard, the master of the brig *Nanina* from New York, with four men, was left on one of the westernmost of the islands, called *New Island*, in the winter (July) of 1813, by the crew of the British ship *Isabella*, whom he had found there after the wreck of their vessel; and who repaid him by seizing his brig while he and the other men were on shore. These persons remained on the island, subsisting on penguins and eggs, until November of the following year; when they were taken off by a British vessel, the master of which had been requested by the British admiral at Rio to look for them. The interesting journal of the voyage of the brig *Hope* of Boston, written by her captain, Joseph Ingraham, which is preserved in the library of the department of state, at Washington, contains an account of that vessel's visit to Berkeley Sound, in January, 1791; she there obtained a supply of meat from the Spanish commandant, who however evaded all Ingraham's attempts to visit Soledad.

† A full account of all these circumstances will be found in a memoir on the northwest coast of North America, by the author of the present paper, which was published in 1840, by order of the Senate of the United States, and subsequently by Messrs. Wiley and Putnam, of New York.

Compact, and to strip the crown of some of its most essential attributes. While debates on these points were going on in the assembly, the Spanish government, despairing of assistance from that quarter, presented, as in 1770, a *declaration*; in which the Catholic king engaged to restore such vessels and establishments on the northwest coast of America, as could be shown to have been taken by his officers from British subjects; with the reservation that this concession should not affect the question respecting the right of sovereignty over those territories; and the British government, as in 1770, returned a *counter-declaration*, wherein His Britannic Majesty promised to accept this engagement, and the performance of it, as sufficient reparation for the injury sustained by him; the reservation of the Spanish king being unnoticed.

The Spaniards no doubt hoped that the affair would end at this point; but Mr. Pitt, who then ruled Great Britain, had in the beginning announced through the king's speech, His Majesty's determination to require from Spain *a distinct acknowledgment of the right of British subjects to navigate and fish in any part of the Pacific and Southern oceans, and to settle or trade with the aborigines in any part of the coasts of those seas not previously occupied by some other civilized nation*; and in order to enforce these demands, he had prepared vast naval armaments, which, in the event of a refusal by Spain, would have been employed in conquering or revolutionizing her American dominions. In the mean time, however, France had also begun to arm, and the revolutionary anti-monarchical principles which pervaded that kingdom were spreading over surrounding countries. The rulers of Great Britain and of Spain began to find that peace and union between their nations were essential to enable them to withstand the impending storm; and as the leaders of the movement in France were by no means anxious for war with either of those powers, private communications, with the object of settling the difficulties, were established among the three governments.

The result of these negotiations was the signature, on the 28th of October, 1790, of a convention, commonly called the *Nootka treaty*, between Great Britain and Spain; in which the latter did indeed acknowledge the rights of British subjects, as required by Mr. Pitt; but the acknowledgment was qualified by conditions and limitations with regard to the exercise of those rights, which nearly if not entirely destroyed the value of the concession. Thus it was agreed that British vessels should not navigate or fish within ten leagues of any of the coasts occupied by Spain—which coasts according to the treaty extended continuously on the Pacific as far north as the 38th degree of north latitude—and that the subjects of both parties should have free access to, and liberty of trade in, any establishment formed by either north of that latitude. By the sixth article it was also agreed that neither party should in future make any settlement on the eastern or the western coasts of South America, or the adjacent islands, to the south of the parts of the same coasts and islands then occupied by Spain; though the subjects of both were at liberty to land on any of those coasts and islands, and to erect temporary habitations *only*, for the purposes of their fishery. By this article it is evident that the British were excluded from occupying any part of the Falkland Islands, so long as that stipulation remained in force; and the question therefore occurs—how long did the convention of 1790 bind both the parties to it?

Spain declared war against Great Britain, in October, 1795; since

which period, no distinct allusion to the convention of 1790 appears to have been made by either of the parties, in its public acts addressed to, or its engagements concluded with, the other. The only arrangement for the renewal of former compacts between them, is contained in the *first* of the *three additional articles* to the treaty of Madrid, signed August 28th, 1814, whereby "it is agreed that during the negotiation of a new treaty of commerce, Great Britain shall be admitted to trade with Spain upon the same conditions as those which existed previously to 1796; all the treaties of commerce which at that period subsisted between the two nations, being hereby ratified and confirmed." But this article could have related *only* to treaties of commerce between the *European dominions* of the parties; for in the first place, no commerce existed agreeably to treaty, between either party or its colonies and the colonies of the other, before 1796; and moreover, another article in the same treaty of Madrid provides that, "in the event of the commerce of the Spanish American colonies being opened to foreign nations, His Catholic Majesty promises that Great Britain shall be permitted to trade with those possessions, as the most favored nations." Thus it would seem that the convention of October, 1790, between Great Britain and Spain, expired in October, 1795, and has not since been renewed; and if that be the case, Great Britain and Spain should each stand with regard to the Falkland Islands, as if it never had been concluded.

It was however maintained by the British commissioners in their *statement*, presented to Mr. Gallatin during the negotiation at London in 1826, respecting the northwest coasts of North America, that the convention of 1790 was forever binding on both the parties or their representatives; and "that *all the arguments and pretensions, whether resting on priority of discovery, or derived from any other consideration, had been definitively set at rest by the signature of that convention.*" "*Whatever,*" says the statement, "*the title may have been, either on the part of Great Britain, or on the part of Spain, prior to the convention of 1790, it was from thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself.*" The commissioners, insisting that the only right to the territories on the northwest coasts possessed by the United States, were those derived from Spain through treaty in 1819, go on to say:—"with those rights the United States necessarily succeeded to the limitations by which they were defined, and the obligations under which they were to be exercised; and from these obligations and limitations as contracted towards Great Britain, Great Britain cannot be expected gratuitously to release those countries, merely because the rights of the party originally bound have been transferred to a third power." Now every thing here said of the northwest coasts of America, applies, and must apply in the same extent, to the southernmost coasts of the continent, and the islands adjacent; and if the consent of both parties or their representatives be necessary for the exclusive possession by either of the northwest coast, the consent of both parties or their representatives must be also necessary for the occupation by either of any point in Patagonia, Tierra del Fuego, the Falkland Islands, or any other islands in their vicinity, not occupied by either before 1790.

Spain abandoned the Falkland Islands before 1810, and has not since that year again directly laid claim to them. The party appearing to represent Spain in her title to those islands, as well as to Patagonia and Tierra del Fuego, is the government of Buenos Ayres.

FALKLAND ISLANDS CLAIMED BY BUENOS AYRES.

On the overthrow of the Spanish supremacy in the viceroyalty of La Plata, those territories, with the exception of Paraguay, were converted into a republic, under the name of the *United Provinces of Rio de la Plata*; and Buenos Ayres, the capital of the viceroyalty, became the seat of government of the republic. The union among these provinces was, however, of short duration; and dissensions soon arose in every part of them, which led to constant civil wars. At length, in 1825, the northern provinces separating themselves from the others, became the *Republic of Bolivia*; and in the following year the southern portion of the former viceroyalty, took the name of the *Argentine Republic*, the territory of which has, however, been since subdivided into several independent states. Buenos Ayres is nominally at least the capital of the *Argentine Republic*; and the party holding the power there for the time, assumes the title of the Argentine government.

The first assertion of a claim to the possession of the Falkland Islands, on the part of the government of Buenos Ayres, was made in November, 1820, by Captain Daniel Jewett, a native of Pennsylvania, then commanding the frigate *Heroína*, in the service of the United Provinces. On the 6th of that month, Jewett landed at the spot formerly occupied by the Spanish colony of Soledad, and in the presence of the officers and crews of several British and American whaling vessels then lying in Berkeley Sound, he took solemn possession of the whole group of islands in the name, and, as he asserted, by special commission of the government of the United Provinces. Captain Weddell, the commander of the British brig *Jane*, who was present at this ceremony, and who has since published a narrative of his voyages in the Southern ocean, ridicules the whole proceeding; insinuating his belief, that Jewett had merely put into the harbor in order to obtain refreshments for his crew, and that the assumption of possession was chiefly intended for the purpose of securing an exclusive claim to the wreck of the French ship *Uranie*, which had a few months previous foundered at the entrance of Berkeley Sound. The number of vessels of various nations then on the coasts of the islands were not less than fifty, the majority of which were from the United States.

Whatever may have been Jewett's motives, or the value of the declaration of right made by him, his act was not for some time officially adopted as its own by the government of Buenos Ayres. That government, on the 22d of October, 1821, issued a decree regulating the fishery on the Patagonian coast, and subjecting all foreigners resorting to it for that purpose to heavy duties; but no allusion is made to the Falkland Islands, Tierra del Fuego, or any other coast or territory than that of Patagonia. At length, in 1824, a German named Louis Vernet, who had resided long in the United States, and had thence removed to Buenos Ayres, where he married a lady of the place, obtained from the government, in satisfaction of some debt due to his wife's family, a grant of the exclusive privileges of fishery, killing cattle, and making settlements in the East Falkland Island; while at the same time a certain Don Pablo Areguati was appointed *Commandant of the Malvinas*. In virtue of this grant, Vernet and some other persons united in fitting out an expedition for the purpose of forming an establishment on the island; the effort, however, was not successful, and another made in 1826 also failed, in consequence, as Vernet conceived, of

his want of power to restrain the colonists and the foreigners frequenting the coasts.

To remedy these evils, Vernet obtained from the government of Buenos Ayres a decree, dated January 5th, 1828, by which the East Falkland and Staten Land were ceded to him in full possession, together with the right of fishery on the coasts of Patagonia, Tierra del Fuego, and the Malvinas, for twenty years. In the latter part of the same year, General Lavallé having expelled the constituted authorities from Buenos Ayres, and shot the President Dorrego, placed himself at the head of the Argentine state; and from his administration, Vernet procured two other decrees, both dated June 10th, 1829, which gave him all the powers necessary for carrying his plan into effect. By the first of these decrees all the Falkland Islands and Tierra del Fuego, were to be placed under the control of a *political and military governor*, who was to reside at Soledad, and to cause the laws and regulations of the republic, especially those respecting the seal-fishery on the coast, to be rigidly observed; and by the other decree, Vernet was himself appointed military and political governor of those islands. Within a few days after these documents had been signed, Lavallé and his adherents were in their turn displaced by a revolution, their administration was declared *intrusive*,* and its proceedings were disavowed. Nevertheless, Vernet succeeded in enlisting a small number of persons in his service, with whom he sailed from Buenos Ayres; and he made his public entrance into his capital of Soledad on the 30th of Aug., 1829.

Vernet, on this occasion, appeared as the proprietor of the East Falkland, and as governor of the islands in virtue of the decrees of June 10th. In the preamble to the first of those decrees, the title of Buenos Ayres to the possession of the islands is set forth as resting on the grounds—that in 1810, when the United Provinces of Rio de la Plata separated themselves from the dominion of Spain, that nation possessed the islands in question by the right of first occupancy, by the assent of the principal maritime powers of Europe, and by the proximity of the islands to the part of the continent forming the viceroyalty of Buenos Ayres, upon which government they depended; and that the government of the republic having succeeded to every right which Spain possessed and her viceroys exercised over the provinces, had continued to perform acts of dominion in those islands, though circumstances had hitherto prevented it from extending to them that care which they merited.

* After the expulsion of Lavallé and his adherents, the legislature which had been forcibly dissolved by him in December, 1828, was reassembled, the elections subsequently made having been declared illegal; and a number of decrees were issued against the *anarchists*—the term applied to the expelled party—by one of which, dated March 13, 1830—

“Every person who might be considered as author, abettor, or accomplice, in the affair of December 1st, 1828, [the date of the commencement of Lavallé's usurpation,] or of any of the outrages committed against the laws, by the *intrusive government*, and who had not given unequivocal proofs that he held those proceedings in abomination, should be punished as guilty of rebellion.”

The party by which these decrees were issued has been ever since in possession of Buenos Ayres, of which republic, General Rosas, the successful rival of Lavallé, is now the head; the latter, after repeated attempts to regain the ascendancy, was entirely overthrown and killed in October, 1841.

As Patagonia is not mentioned in the decree, and it is the part of the continent to which the islands are in proximity, we are to infer that the government of Buenos Ayres regarded this territory as having been included in the viceroyalty of La Plata when the United Provinces became independent; and indeed assertions to that effect have been repeatedly made by the Argentine Republic. That the coasts of Patagonia and the islands were placed under the protection of the viceroy of Buenos Ayres, there is no doubt; but it does not follow that any of these territories actually formed parts of that viceroyalty; for the Mosquito coast was in like manner placed under the protection of the viceroy of New Granada, while the territory, of which that coast is the border, was under the jurisdiction of the Captain-General of Guatemala. Alcedo, in his dictionary of America, indeed, makes the strait of Magellan the southern limit of that viceroyalty; and the same view of its extent is presented by Mr. Graham, one of the commissioners sent by the government of the United States to Buenos Ayres in 1817. Mr. Bland, another of the commissioners, who, in his report, describes the boundaries of La Plata with great minuteness, however, gives as its southern limit the parallel of thirty-eight and a half degrees of south latitude. "This territory," says Mr. Bland, "is at present entirely in possession of the various tribes of Patagonian savages, over whom the colonial government exercised no authority, nor asserted any claim, other than that of a right of pre-emption and of settlement in their territory, against all foreign nations; to which rights and benefits the independent government claims to have succeeded." Mr. Pazos, a native of the viceroyalty, moreover, begins his letters, addressed in 1819 to the Hon. H. Clay, of the house of representatives of the United States, by stating that, "The Republic of the United Provinces of South America comprehends, with some exceptions, the same territory as the viceroyalty of Rio de la Plata, which was established in 1778; it extends from the 16th to the 45th degree of south latitude, [*nearly ten degrees north of Magellan's Strait,*] from the left margin of the Lake Titicaca on the north, to the coast of Patagonia on the south." And the same limits are traced on the map accompanying the work. The last authority which will be cited on this point, is the ultra-royalist history of the revolutions of South America, by Torrente, who had access to all the best sources of information on the Spanish side, and who certainly shows no disposition to yield or abate any claim on the part of his sovereign. In the introduction to this work the viceroyalty of La Plata is represented as extending southward to the latitude of 41 degrees; and in the map accompanying it, a line drawn from the Andes eastward to the head-waters of the river Colorado, and down that stream to its mouth in the Atlantic, near the 40th degree, is given as the boundary between the viceroyalty and Patagonia.*

Even admitting that Patagonia and the islands near its southern extremity were considered by the government of Spain as parts of the viceroyalty of La Plata, at the period of the commencement of the revolutions at Buenos Ayres, it by no means follows that those territories should be-

* The writer has been unable to consult any edition of the *Recopilacion de Leyes de Indias*, or compilation of the laws governing the Spanish dominions out of Europe, of later date than 1774; but it is not probable that the work would throw any light on the question, as the Spanish government always carefully avoided, as far as possible, any distinct annunciation of boundaries.

come the property of all or any one of the states into which that section of the Spanish empire has been divided. At the period above mentioned, Spain did not hold the sovereignty of those countries *de facto*, for there was not a single Spanish officer or other authority in them; nor by the consent of other nations, for her claim to them was universally denied. She had indeed a right to occupy them, which was stronger perhaps than that of any other nation, in consequence of their proximity to her settled dominions. Thus, she might with justice have complained of the establishment of foreigners on those coasts, while no other nation could reasonably have objected to her occupying any part of them; upon the general principle that every government is bound to provide for the peace and security of its citizens or subjects, by keeping at a distance those who would be likely to disturb them. But no further did the right of Spain extend with regard to that part of America; and no more, if so much, should be conceded to the Argentine or any other state adjoining it.

To proceed another step in admissions. Supposing the Argentine Republic to have really and unquestionably inherited from Spain the sovereignty of the territories adjoining it on the south, and the contiguous islands; that government would still want the right to extend its "regulations respecting the seal-fishery," to the unsettled portions of the coasts of those territories. That right was indeed assumed by Spain, with many equally unjust, which were enforced so long as other nations did not find it prudent to contest them. But as the Spanish power waned, other nations claimed their imprescriptible rights; they insisted on navigating every part of the open sea, and of its unoccupied straits and harbors, with such limitations only as each might choose to admit by treaty with another; and they resorted to the North Pacific coasts of America for trade and settlement, and to the southernmost shores of the continent for the seal-fishery, without regard for the exclusive pretensions of Spain to the sovereignty of those regions. *Of the hundreds of vessels, nearly all American, which annually frequented the coasts and seas above mentioned after 1789, not one was captured or detained by the Spanish authorities; and long before the revolutions in Southern America began, the prohibitory decrees of the court of Madrid, and of its governors, relative to those parts of the world, had become obsolete, and the warnings of its officers were treated as jests.*

The common right of all nations to navigate and fish in the open sea, and in its indefensible straits, and to use their unsettled shores for temporary purposes, is now admitted among the principal maritime powers; and the stipulations in treaties on those subjects, are intended to prevent disputes as to—*what coasts are to be considered as unsettled,—what straits are indefensible,—within what distance from a settled coast the sea ceases to be open, &c.* The governments of Spanish American republics have, however, in many instances exhibited a strong indisposition to conform with these and other such regulations of national law, though clearly founded on justice and reason, and intended clearly for the benefit of the weak, to which class they all belong. Whatever Spain, in the plenitude of her might, when the sun never set upon her empire, chose to assume for any section of her American dominions, the government of the state into which that section has been converted, appears to consider itself also warranted in assuming the same as a just right: and we frequently see some extravagant or oppressive decree of the court of Madrid, or of one of its viceroys,

removed from the archives in which it had been buried for a century, and gravely cited by a Spanish American minister, in support of a preposterous pretension on the part of his republic. Indeed, from attempts to enforce such obsolete claims, or to maintain rules, customs, and prerogatives equally at variance with the civilization of the age, have arisen nearly all the disputes of these new nations with each other, and with the rest of the world.

Until this period the declarations and decrees of the Argentine government respecting Patagonia and the adjacent islands, do not seem to have seriously attracted the attention of any other power, and they were probably, wherever known out of Buenos Ayres, consigned to the same class with other extravagant pretensions which are from time to time advanced by the governments of Spanish American republics. When, however, Vernet, in virtue of the decrees of June 10th, above mentioned, had departed for the seat of his government, and it was understood that he had determined to enforce the exclusive regulations respecting those coasts, it became necessary for other powers to provide for the protection of their subjects or citizens, engaged in navigating the southern seas. Accordingly on the 19th of November, 1829, Mr. Woodbine Parish, consul-general of Great Britain at Buenos Ayres, addressed a note to the minister of foreign affairs, in which he declared himself instructed by his government to protest against the proceedings of the Argentine Republic with regard to the Falkland Islands. To this note a simple acknowledgment of its receipt was immediately returned by the Buenos Ayrean minister; but no answer was made to it, and it was kept entirely secret by the government.

In a summary of the contents of this note, inserted by Lord Palmerston in his communication to the minister of Buenos Ayres, dated January 8th, 1834, Mr. Parish is said to have declared to the government of Buenos Ayres—"1. That the authority which that government had thus assumed was considered by the British government as incompatible with the sovereign rights of Great Britain over the Falkland Islands.—2. That those sovereign rights, which were founded upon the original discovery and subsequent occupation of those islands, had acquired an additional sanction from the fact that His Catholic Majesty had restored the British settlement which had been forcibly taken possession of by a Spanish force in the year 1771.—3. That the withdrawal of His Majesty's forces from the Falkland Islands in 1774, could not invalidate the just rights of Great Britain, because that withdrawal took place only in pursuance of the system of retrenchment adopted at that time by His Majesty's government.—4. That the marks and signals of possession and of property left upon the islands, the British flag still flying, and all the other formalities observed upon the occasion of the departure of the governor, were calculated not only to assert the rights of ownership, but to indicate the intention of resuming the occupation at some future period. Upon these grounds Mr. Parish protested against the pretensions set up on the part of the Argentine Republic, and against all acts done to the prejudice of the just rights of sovereignty heretofore exercised by the crown of Great Britain." Lord Palmerston, in addition to this summary, says in his letter, "The claim of Great Britain to the sovereignty of the Falkland Islands having been unequivocally asserted and maintained during these discussions with Spain in 1770 and 1771, which nearly led to a war between the two countries, and Spain

having deemed it proper to put an end to those discussions by restoring to his majesty the *places* from which British subjects had been expelled, the government of the United Provinces could not reasonably have anticipated that the British government would permit any other state to exercise a right as derived from Spain which Great Britain had denied to Spain herself."

It will not be difficult to show that the most material of these assertions, on which indeed all the others depend, is entirely destitute of foundation. No evidence has yet been produced, that the claim of Great Britain to the sovereignty of the Falkland Islands was in any way asserted or maintained during discussions with Spain, in 1770 and 1771, or before or after that period. The British in 1770 demanded the restoration of *Port Egmont*, and in 1771 *Port Egmont* was restored by Spain; and the restitution of that *single place* was specially declared and admitted to be a sufficient reparation for all the injuries which Great Britain had suffered from Spain. Neither in the declaration, nor in the counter-declaration, nor in the order for the delivery of Port Egmont—the only documents as yet made public which can be regarded as authorities respecting the extent of the engagements concluded between the two nations in 1771—does any reference appear to any part of the islands except Port Egmont; and even with regard to that place, Spain was allowed to insert a formal reservation of her right of sovereignty, in the very act promising the restitution. Spain was never required to evacuate Soledad, nor was her right to that or any or every other spot in the Falkland Islands, except Port Egmont, questioned by Great Britain in any communication between the two governments which has yet been exposed to the public eye. On the contrary, we know that the Spanish authority was *unequivocally asserted and maintained* at Soledad, and asserted if not maintained over the whole group, for more than thirty years after the evacuation of Port Egmont.

These are facts which are not to be overthrown by any declarations or communications of British authorities or agents addressed to *each other*; nor should the reasons for which Port Egmont was abandoned, nor the flags, marks, or signals which are said to have been left there at that occasion, be considered as matters with which the rest of the world has any concern. If the right of possessing a territory be derived from occupancy, certainly that right should be regarded as resigned by abandonment of the territory for a long period; and no pretension seems to be more completely at variance with reason and justice than this advanced by the British government, according to which, an uninhabited country is to be forever rendered useless to the world—to be virtually annihilated—because a British flag had once been left flying on it. Whatever title may be established for Great Britain to the sovereignty of Port Egmont, or the West Falkland, by such strained interpretations of obsolete, arbitrary rules of national law—rules which her government has always strenuously repudiated whenever they have been cited against her claims—she has no just right to Soledad, or the East Falkland, which by the same rules are more clearly the property of Spain.

The attention of the government of the United States was first directed to these proceedings of the Buenos Ayreans in 1830, in consequence of an American sealing vessel, called the *Harriett* of Stonington, having been ordered away from the Falkland Islands by Vernet; and instructions were sent to Mr. Forbes, the *chargé d'affaires* of the United States near

the Argentine government, to address "an earnest remonstrance against any measures that may have been adopted by that government, including the decree and circular letter referred to, if they be genuine, which are calculated in the remotest degree to impose any restraints whatever upon the enterprise of the citizens of the United States engaged in the fisheries in question, or to impair their undoubted right to the freest use of them." Unfortunately, however, Mr. Forbes died in the middle of 1831, without having complied with this instruction. Had such an earnest remonstrance been directed in time, it would in all probability have prevented the occurrence of events, the effects of which have been serious and lamentable.*

In the mean time, Vernet was increasing his establishment at Soledad. Agreeably to an account of a visit made to it by a British naval officer, in the latter part of 1831, the number of persons in the colony, was about one hundred; including twenty-five *Gauchos*,† and five Indians, who hunted cattle; a few Dutch and German families, chiefly engaged in making butter and cheese; and fifteen negro slaves, whose services Vernet had purchased for a term of years from the government at Buenos Ayres. The others were English, French, Spaniards, and Portuguese. The houses of the inhabitants were those which had been occupied by the Spaniards, and which only required new roofs. Vernet resided in the dwelling of the former commandant, a long low building of one story with very thick walls of stone; in his sitting-room was a good library of English, German, and Spanish works, as well as a handsome piano, on which Senora Vernet executed Rossini's music with considerable taste. The governor himself is described as a man "with prepossessing features and gentlemanly address, possessing much information and speaking several languages with fluency." His principal officers and assistants were two Englishmen; one of whom, Henry Metcalf, acted as commandant during his absence, and the other, Matthew Brisbane, an old sealing captain, superintended the commercial affairs of the colony. Vernet had divided the island into eleven sections, one of which, containing about ten square miles of surface, he sold to Lieutenant

* See letter from G. W. Slacum, Consul of the United States at Buenos Ayres, to the Argentine government, dated December 15th, 1831, as published by that government.

† The *Gauchos* are herdsmen, inhabiting the vast uncultivated plains called *Pampas*, southwest of the river of La Plata. They are said to be the best horsemen in the world, and their business requires that they should be strong and courageous, and insensible to fatigue and privations. Their principal weapons are ropes, which are arranged in two ways. The *lazo* is a cord with a running noose at one end, which they throw from the distance of many yards over the horns of a bull, or the neck of a man or horse. The *bola* consists of three cords, each about four feet in length, to one end of each of which is fixed an iron ball, while the other ends of all the cords are united by one knot; the *Gaucha* holds the knot in his hand, while he swings the remainder of the instrument around his head, and then throws it at the legs of an ox, which are thus generally in an instant bound fast in its coils. The *Gauchos* carried to the Falkland Islands by Vernet, were chiefly Spaniards; though their *capataz* or chief was a Frenchman, named Simon. They are represented as savage, banditti-looking persons, who passed all their leisure hours in gambling; "with their huge cloaks, slouched hats, ear and nose rings, thick, curly, bushy hair hanging down to their shoulders, and their daggers in their girdles, seen too by the dim light of a large lamp hanging from the ceiling, they formed altogether a group, such as is described in the old Italian romances, as reveling in the deep caverns of the mountains, after a desperate but prosperous adventure."

Langdon of the British navy, with a proviso that he should form a settlement on it within a stated period. The writer of the account,* who visited the island with Langdon, paints every thing *en couleur de rose*, and strongly recommends the country to emigrants from England, as possessing great advantages for settlement. From other accounts, however, it appears that the inhabitants were in misery, and complained bitterly of the impositions practised by Vernet, in order to induce them to accompany him, as well as of his tyrannical conduct after their arrival.

Vernet, however, began to be anxious for larger returns from his colony; he had no means of carrying on the seal and whale fishery himself, and finding that the American vessels engaged in those pursuits near the islands disregarded his warnings, he determined to use his powers, in order to enforce submission to his orders, and to fill his own purse. Accordingly on the 30th of July, 1831, he seized the schooner Harriett of Stonington (the same which he had ordered away in 1829) and carried her as a prize into Berkeley Sound; and in the following month, he in like manner captured the schooners Breakwater and Superior, of New York; the former of which was retaken by a part of her crew, and carried to the United States.

The seal-skins on board of the Harriett and Superior were immediately transferred to Vernet's warehouse, and the stores of those vessels were sold at auction, for the benefit of the government; after which, Vernet announced his determination to send both of them to Buenos Ayres for trial. He however changed his mind upon the latter point, and proposed to the American captains that one of the vessels only should be sent to Buenos Ayres, with all the papers requisite for the trial of both; while the other should make a sealing voyage, the advantages of which were to belong to Vernet, if they should both be condemned, and to their owners, in case of their release. The Americans consented to this proposal, as the only alternative; while Vernet knew, as he afterward said, that the vessels would infallibly be condemned. The Superior, in consequence, departed under her captain, Congar, on the sealing voyage as agreed. The Harriett, instead of being sent on at once to take her trial, was employed for some time in a cruise among the islands, under the command of Brisbane, who appears to have been the most active person in all these proceedings; on her return to Soledad, Vernet himself took charge of her, and proceeded in her, with his family and Captain Davison on board, to Buenos Ayres. Of the crews of these vessels, some were engaged voluntarily, and others by force, in navigating them; others were sent in a British vessel to Rio de Janeiro, and others were dispersed in various quarters. Before his departure from the islands, Vernet moreover obliged four seamen of a wrecked American vessel to engage in his own service, by accusing them of a conspiracy against the government; in order to avoid trial for which, they were glad enough to agree to labor, in building a sloop for him.

The Harriett arrived at Buenos Ayres on the 20th of November; at which time, Mr. G. W. Slacum, the consul of the United States, was the only official representative of their interests in the Argentine Republic. To him Captain Davison applied for advice and assistance; and Mr. Sla-

* Published originally in the London United Service Journal, for January, 1833; and reprinted soon after in Littell's Museum, at Philadelphia. The flattering descriptions in this account are copied by Captain Fitzroy in his journal, in order to give force to his censures on the Americans, for their proceedings towards the establishment.

cum thereupon addressed a note to the minister of foreign affairs, briefly stating the circumstances, and requesting to be informed *whether the government intended to avow and sustain the seizure of the vessels*. After some days, the minister replied, that the case of the Harriett was before the department of war and marine, and that after the customary forms had been observed, it would be laid before the government. In return for this evasive answer, the consul immediately addressed an earnest remonstrance and protest to the government, against all measures which had been adopted, asserting a claim on behalf of Buenos Ayres to the coasts and islands mentioned in the decree of June 10, 1829, and against all persons acting under such authority, in the seizure of the Harriett and Superior. A week after the receipt of this last note from Mr. Slacum, the minister repeated his declaration to that gentleman, that the case of the vessel was still under consideration; announcing, however, at the same time, that the government could not receive the consul's communication as a protest from the government of the United States, inasmuch as the consul had no power to make such protest, and the United States had no right to the Falkland Islands, or the fishery around them, to which the title of the Argentine Republic was unquestionable.

In the mean time, Mr. Slacum had also communicated these circumstances to Captain Silas Duncan, commander of the United States sloop of war Lexington, then lying in the river of La Plata: and after consultation between them, the consul again addressed the government of Buenos Ayres, on the 6th of December, declaring that the Lexington was about to proceed to the Falkland Islands, for the protection of American citizens there engaged in the fishery; but that she would wait three days, for any communication which the government might think fit to make, "having reference to the immediate suspension of the exercise of the right of capture of vessels of the United States, which might be found fishing within the limits assigned to the jurisdiction or authority of Mr. Vernet, and to the immediate restoration of the Harriett, and the property illegally taken from her, to her legitimate owners." On the following day, moreover, Captain Duncan formally requested that Vernet should be given up to the United States for trial, as having been guilty of piracy and robbery, or that he should be arrested and punished by the laws of Buenos Ayres. On the 9th of the month, the minister again denied the right of the American consul to interfere in the matter, which he pronounced a *private litigious affair*, and declared the determination of his government to complain formally to that of the United States, in case the commander of the Lexington should do any thing "tending to set at nought the right which the Argentine Republic possesses to the Malvinas, and other islands adjacent to Cape Horn, and to prohibit the seal-fisheries thereon." This last note was delivered in the evening of the day of its date; but on the morning of the same day, the Lexington sailed for the Falkland Islands, carrying away Captain Davison, who being threatened with arrest had taken refuge on board her on the 7th.

In all this long correspondence, the minister of Buenos Ayres most carefully avoided assuming any responsibility for his government, on account of the acts of Vernet; and he always treated the case of the Harriett as *a private affair at issue between Vernet and Davison, which was to be decided by the government according to the laws of the country*. In one instance Vernet is styled by the minister *Commandant of the Malvinas*; in all other

places where his name is mentioned, except in the recapitulations of the contents of Mr. Slacum's letters, he appears only as a private individual.

Thus was the commerce of the United States exposed to depredations, by persons for whose acts no satisfaction could ever have been obtained. To any demand for reparation addressed by the government of the United States to that of Buenos Ayres, the latter might at once reply—that the decrees, in virtue of which Vernet pretended to act, had emanated from an *intrusive and illegal* authority, and had never been acknowledged by the constitutional powers of the state, but had, on the contrary, been annulled long before the aggressions forming the subject of the complaint had been committed; and no other resource would have been left to the American citizens injured by those aggressions, than to prosecute the persons who committed them as individuals, before the courts of Buenos Ayres. Under such circumstances, considering also the great length of time which must have elapsed before any communication could have been received from Washington, and the great amount of injury which might in the interval be inflicted upon American citizens, there can be no doubt that Captain Duncan would have failed in performance of his duty, had he neglected to take measures for bringing to punishment the authors of such acts, and for preventing the commission of them in future.

Accounts of the seizure of the Harriett and Breakwater were brought to the United States by the latter vessel in November, 1831, and were communicated by President Jackson to congress, in his first message, on the 6th of the following month. The president at the same time declared, that the name of the republic of Buenos Ayres “had been used, to cover with a show of authority, acts injurious to the commerce of the United States, and to the property and liberty of their citizens; for which reason, he had given orders for the despatch of an armed vessel to join the American squadron in the south seas, and aid in affording all lawful protection to the trade of the Union, which might be required; and he should without delay send a minister to Buenos Ayres, to examine into the nature of the circumstances, and also of the claim set up by that government to the Falkland Islands.”

In pursuance of the intention here expressed by the president, Mr. Francis Baylies, of Massachusetts, was, in January, 1832, appointed chargé d'affaires of the United States at Buenos Ayres, for which place he set off in the beginning of March, soon after the arrival at Washington of the news that the Lexington had sailed to the Falkland Islands. As his instructions have not been published, there are no means of knowing what were in all respects the views of the American government on the points in question. Vernet, however, in a report or memorial to the government of Buenos Ayres, dated August 10th, 1832, declares that, in answer to a letter on the subject, addressed by a friend of his in the United States to the Hon. Edward Livingston, secretary of state, immediately after the appearance of the president's message, that gentleman said—“Measures had been taken to ascertain on what foundation the claim of jurisdiction over the islands rested, but the sickness and death of Mr. Forbes had, for the time, interrupted the investigation. Our right of fishery, however, in those seas, is one that the government considers indisputable, and it will be given in charge to the minister about to be sent there, to make representations against, and to demand satisfaction for, all interruptions of the exercise of that right.”

The question had, however, become more complicated before the arrival of Mr. Baylies at Buenos Ayres.

The Lexington reached Berkeley Sound on the 28th of December, and lay at the entrance, during a severe gale, until the 31st, when she went up and anchored in front of the harbor of Soledad. Boats were immediately sent ashore, with armed seamen and marines, who made prisoners of Brisbane, Metcalf, and some other persons, and sent them on board the ship; the cannon mounted before the place were at the same time spiked, some of the arms and ammunition were destroyed, and the seal-skins and other articles taken from the Harriett and Superior were removed from the warehouses, and placed in the schooner Dash, which carried them to the United States. Captain Duncan then gave notice to the inhabitants, that the seal-fishery on those coasts was in future to be free to all Americans; and that the capture of any vessel of the United States would be regarded as an act of piracy; and having affixed a declaration in writing to that effect on the door of the government house, he took his departure, on the 22d of January, 1832, carrying with him in the Lexington, Brisbane and six other persons as prisoners, with many of the negroes and settlers as passengers.

The Lexington entered the river of La Plata on the 2d of February; and Captain Duncan, having landed his passengers at Montevideo, addressed a letter to the government of Buenos Ayres, to the effect that he would release the prisoners, on condition that the government would assume the responsibility for their acts. The minister of Buenos Ayres replied, on the 15th, that Vernet having been appointed military and political governor of the Malvinas, in virtue of the decree of June 10th, 1829, he, and the individuals under him, could be amenable only to their own authorities. Upon the receipt of this declaration, which, though ambiguous, might, if given two months earlier, have prevented many difficulties, Brisbane and the other prisoners were discharged at Montevideo. The Argentine government had, however, in the mean time, issued a proclamation, expressing its horror at the scandalous conduct of the Americans, and its determination to obtain ample satisfaction; and Mr. Slacum had been officially informed that all intercourse with him would be suspended.

The accounts of these proceedings, given in the Buenos Ayrean newspapers, especially those in an English Journal, called the British Packet, are filled with denunciations of the Americans, on account of their inhuman and rapacious conduct; and Captain Fitzroy, with the usual readiness of British officers to report any thing unfavorable to the United States, or their citizens, takes occasion, in many parts of the narrative of his voyage, to comment severely on Captain Duncan's acts, and to defend those of Vernet, on whom he bestows a great deal of "*sincere pity*." He indeed insists strongly on the exclusive right of Great Britain to the islands, and speaks of Vernet's settlers as "*poor deluded people, who never dreamed of having no business there, without having obtained the permission of the British government*;" and he admits that "Mr. Vernet may in fact have behaved unjustifiably towards vessels belonging to the United States;" but he continues, "it must be remembered that he had a commission from the Buenos Ayrean government, empowering him to act as civil and military governor of the Falklands; that he believed the Buenos Ayrean authority valid, and *had no doubt in his own mind that he was doing right*. Mr. Vernet therefore was no robber—no pirate—as he was termed by Captain

Duncan, because he tried to uphold his situation, and prevent his settlement from being *robbed* by people who had no claim whatever upon the islands. However wrong Vernet's acts may have been, he was responsible to his government for them; and those who acted under his order, he having a legal commission, certainly did not deserve to be seized as pirates, put in irons, and so carried to the Plata! Neither was it just (setting mercy quite aside) to destroy the *infant colony*, break open or tear down doors and windows, search houses, drawers, and chests, trample over gardens, break through fences, and ill-use the helpless unarmed settlers to such a degree, that for many months afterward, whenever a man of war was seen approaching, the frightened inhabitants at once fled to the interior, not knowing how they might be treated."

These are certainly most extraordinary observations, considering that they proceed deliberately from an officer of a civilized nation. Captain Fitzroy professes to be well acquainted with all Captain Duncan's proceedings, as well as with those of Vernet, and even with the private opinions and convictions of the latter. He asserts positively, not hypothetically, that Vernet believed the Buenos Ayrean authority, under which he held his commission of governor of the Falkland Islands, to be valid; and that he moreover had no doubt, in his own mind, that he was doing right, in seizing American vessels, and forcing their officers and men to enter into contracts to labor for his own individual benefit. "However wrong Vernet's acts may have been, he was responsible to his government," says Captain Fitzroy; who, however, at the same time knew, or should have known, that the government of Buenos Ayres had not admitted its responsibility for those acts, and that Captain Duncan's proceedings at Berkeley Sound were only in consequence of the failure of that government to do so, when repeatedly urged. With regard to the charges against the Americans of unnecessary harshness and want of mercy towards the people at Berkeley Sound, the answer is simple. Captain Duncan's objects in going to that *infant colony*, were to recover property, which he believed to have been illegally and by violence taken from American citizens; to seize the persons who had committed those acts, and send them to the United States for trial, if the government of Buenos Ayres should persist in withholding a declaration of its responsibility; and to prevent the repetition of such aggressions. As in cases of this kind, the keys of magazines, warehouses, and depositories of papers, are not always produced as soon as demanded, and the persons to be arrested sometimes resist or endeavor to escape, it is very possible that the Americans at Soledad may have torn down a door or a window, and searched a house, and broken through a fence, and trampled a garden; all of which acts may, and probably did, alarm the inhabitants. But the assertion that any harsh or unmerciful acts were committed by the Americans on that occasion, is directly contradicted by the depositions of Metcalf, and other persons, who had been brought away from Soledad in the Lexington, taken at Buenos Ayres, and published by the government, on the 15th of December. Captain Fitzroy admits that his information was obtained almost entirely from Brisbane, whom he met at Soledad, in 1833; and he certainly should have made some inquiries on the other side, before he gave public utterance to censures so severe on the Americans.

To return to the narrative.

Mr. Baylies, the *chargé d'affaires* of the United States, reached Buenos

Ayres in the middle of June, 1832; and the negotiation* was begun on the 20th of the same month, by a note from that gentleman to the government, in which—he denied the right of the Argentine Republic to interrupt American citizens in their navigation, or their fishery, on the coasts of Patagonia, Tierra del Fuego, or the Falkland Islands; and he demanded, in the name of the United States, restitution of all property taken from their citizens, and reparation of all losses and injuries sustained by them, in consequence of the illegal acts committed by Vernet and his followers, under a pretended commission from the government of Buenos Ayres. He also, at the same time, complained of the suspension of intercourse with the consul of the United States, and suggested as a first step to the renewal of friendly relations between the two governments, that Mr. Slacum, who had returned to Buenos Ayres, should be reinstated in the exercise of his functions. In his subsequent communications, Mr. Baylies entered into an examination of the claims of various powers to the possession of the Falkland Islands; in the course of which, he admitted and supported the validity of the title of Great Britain,† though he insisted upon the right of Americans to the constant and undisturbed use of the shores of those islands, for the purposes of their fishery. With regard to the fishery, Mr. Baylies defended the right of citizens of the United States to use for that purpose the ocean, and all its bays, inlets, and straits, the entrance to which cannot be fortified, as also the coasts of regions uninhabited, or inhabited only by savages: he contended that a constant and uninterrupted use of such coasts, would render that right perfect and entire, although settlements should be subsequently formed on the coasts; and admitting, hypothetically, the right of Buenos Ayres to exclude Americans from the coast of Patagonia, and the adjacent islands, he showed that some preliminary acts, none of which were performed by the Argentine government,

* All that is publicly known respecting this negotiation, is derived from the correspondence, as printed by order of the government of Buenos Ayres, immediately after the conclusion of the negotiation; no documents relating to this dispute have ever been published by the government of the United States.

† Mr. Baylies, in his letter of July 10th, as thus published, after recapitulating the particulars of the dispute between Great Britain and Spain, relative to the Falkland Islands, in 1770, says—"The act of dispossession was disavowed by Spain, and the territory was restored by solemn convention. She, however, reserved her prior rights. The reservation was a nullity; inasmuch as she had no claim, either by prior discovery, prior possession, prior occupation, or even the shadow of a name. The restoration of Port Egmont, and the disavowal of the act by which she was temporarily dispossessed, after discussion, negotiation, and solemn agreement, gave to the title of Great Britain more stability and strength; for it was a virtual acknowledgment, on the part of Spain, of its validity. Great Britain might then have occupied and settled all the islands, and fortified every harbor, without giving to Spain any just cause of umbrage. With her rights again acknowledged, the emblems of sovereignty again reared, and possession resumed by a military and naval force, Great Britain voluntarily abandoned these distant dominions, taking every possible precaution, when she did so, to give evidence to the world, that though she abandoned, she did not relinquish them. It is true, that many years have elapsed since, under these circumstances, she ceased to occupy the Falkland Islands; but the lapse of time cannot prevent her from resuming possession, if her own maxim of law be well founded—*nullum tempus occurrit regi*."

were requisite, before any capture or detention of citizens or vessels of the United States, engaged in the fishery, could be justifiable.

The Argentine minister, on the other hand, asserted the right of his republic to the exclusive possession of the Falkland Islands, as inherited from Spain, to be notorious and unquestionable; and—always carefully avoiding any thing like an acknowledgment of the legality of the decrees of June 10th, 1841—he dilated upon the “*daring and cruel outrage committed on those islands by Captain Duncan, in destroying in a time of peace, with rancorous fury, and in a manner alike perfidious and ferocious, a settlement founded by the government of the republic.*” “This *barbarous act,*” concludes the minister, “in contempt of the established customs of civilized nations, and the courtesy which they invariably observe towards each other, is the point which should take precedence in the consideration of both parties;” and he therefore announced the determination of his government, not to enter into the discussion of any other points, until ample satisfaction, reparation, and indemnification had been obtained by Buenos Ayres, for all injuries and losses caused by Captain Duncan. The minister, however, at the same time, presented to Mr. Baylies a long paper, purporting to be a *report from the civil and military governor of the Malvinas*, and bearing the signature of Vernet, in which all the questions touched by the American chargé d’affaires in his notes, are discussed at length.

This *soi-disant* report from Vernet was immediately returned by Mr. Baylies, without any remark; and as it became certain that no benefit could be derived from a continuance of the negotiation, it was terminated by mutual consent, in the early part of September. The American chargé d’affaires soon after sailed to the United States, where he arrived in December, accompanied by Mr. Slacum, whom the government of Buenos Ayres refused to receive again in a consular character.

On the 21st of December, 1832, immediately after the return of Mr. Baylies to his country, a resolution was passed by the house of representatives, at Washington, requesting the executive to communicate the correspondence with the Argentine government, relative to the Falkland Islands: to which President Jackson answered, that such communication would not be compatible with the public interests, as the negotiation was believed to be only suspended; the Argentine government having officially announced its intention to send a minister to the United States, with powers to treat on the subject. The whole correspondence had however already been printed at Buenos Ayres, by order of the legislature of that place; and it has since been published in English, at London, though it has not appeared in the United States.

With regard to the continuance of the negotiation, no diplomatic representative has been sent by the government of the United States to Buenos Ayres, since the return of Mr. Baylies; though an American consul has constantly resided in that city. General Don Carlos Alvéar, a distinguished officer of the Argentine Republic, has been for some time at Washington, as envoy from his government; but nothing has yet transpired respecting the objects of his mission.

THE FALKLAND ISLANDS AGAIN CLAIMED AND OCCUPIED BY GREAT BRITAIN.

Before the negotiation in 1832 between the United States and Buenos Ayres, the protest of the British government against the claim of the latter

republic to the Falkland Islands, had been kept secret by both parties ; and the Buenos Ayrean minister did not hesitate to assert in a note to the American consul, on the 9th of December, 1831, that the *right of his nation to the islands had never been questioned*. Mr. Baylies, however, obtained a copy of the protest, and of the acknowledgment of its receipt, from the Hon. H. S. Fox, then British minister plenipotentiary at Buenos Ayres, which were enclosed with his note of July 10th to the Argentine government, and were published by its order on the conclusion of the negotiation. Whatever might have been the determination of the court of London with regard to the enforcement of its claim before the period of this publication, certain it is, that soon afterward the British admiral on the Brazil coast directed measures to be taken for assuming effective possession of the islands ; which measures were carried into execution without delay, as will be here shown.

The Argentine government, in the summer of 1832, had despatched a Frenchman to the Falkland Islands, as commandant, in place of Vernet, with about twenty soldiers to support his authority ; and a small armed schooner, called the *Sarandi*, was also sent under Captain Pinedo to cruise among the islands, and order off all foreign vessels. This schooner, in the month of November, met the *Sun*, a small American sealing vessel, commanded by T. P. Trott, and obliged her to quit her course, after firing on her and treating her officers and crew with great insolence. Captain Trott went back to the Plata, in hopes of finding an American ship of war to protect him in his business ; but soon after his arrival there, the *Sarandi* herself entered the river, bringing news which rendered further proceedings with regard to her unnecessary.

It appeared that about the time of the attack upon the *Sun*, the soldiers at Soledad, having become discontented with their French commandant, who kept them constantly on drill, mutinied and put him to death. The chief mutineers were soon after seized by the officers and crew of the *Sarandi*, which was about to sail with them to Buenos Ayres ; when, on the 2d of January, 1833, the British sloop of war *Clio* entered Berkeley Sound, and her Captain, Onslow, declared his intention immediately to assume possession of the Falkland Islands for his sovereign. The commander of the *Sarandi* remonstrated against this proceeding ; but the Englishman, without listening to his representations, required him instantly to remove all Buenos Ayrean property from the place, and to take his departure. Pinedo on this found himself obliged to comply ; though he thought proper at the same time to protest against the act of Captain Onslow, and to confer the command of the islands on Simon, the French *capataz*, or chief of the *Gauchos*, who, in an unlucky moment, accepted the office. On the following day the British commander landed at the place, where he struck the Argentine flag, which had been left flying, and hoisted that of his own nation in its stead ; and having made such other arrangements as he thought necessary, he departed, leaving his flag under the care of an Irishman who had been Vernet's store-keeper.

This latter provision for securing the peace of the country seems to have been ineffectual ; for on the 26th of August, 1833, the *Gauchos*, in exercise of their right as the strongest, killed the Irish flag-keeper, as also their chief, Simon, and several other individuals, including Brisbane, the Englishman who had been sent from Buenos Ayres to take charge of Vernet's interests. The murderers were some months afterward taken by

the officers and crew of the British ship of war *Challenger*, and carried to England, where, it is said, they were executed.

About this time took place the visits of Captain Fitzroy, whose vessel, the *Beagle*, several times anchored in Berkeley Sound, whilst the survey of the Magellanic regions by that officer was in progress. During one of these visits in 1834, Captain Fitzroy informed Captain Trott, whose name has been already mentioned, that the claim of Vernet to the possession of the soil of the East Falkland had been allowed by Great Britain; and that the rights of this person to the fisheries, cattle, and other privileges and property in and about the islands would be protected; in exemplification of which Captain Trott was required to desist from picking up wreck-wood on the beach for fuel, until he should have obtained permission from Vernet's agent. Whether the Americans engaged in navigating or fishing in that part of the ocean, have been subjected to any serious restrictions or prohibitions since the attack made on their vessels by the Buenos Ayreans in 1831, cannot be here positively stated; they have certainly received warnings from British vessels of war, not to hunt the cattle on the East Falkland; but that island is seldom visited by the Americans, and the British cruizers do not often appear on the western coasts. There is also reason to believe that the British officer, residing as governor at Berkeley Sound, has issued orders that vessels of no other nation should take whales or seals on or near the coasts of any of the islands; but no account has been obtained of any attempt to enforce such orders against American citizens.

The seizure of the islands by the British was communicated in a message from the executive of Buenos Ayres to the legislature on the 24th of January, 1833; a note was at the same time sent to the British chargé d'affaires, protesting against the pretensions of that government to the Malvinas, and against the insult offered to the flag of the republic; and M. Moreno, the Argentine minister at London, was instructed to urge the demand for the restitution of the islands, and for reparation of the injury and damages occasioned by the seizure. With this object M. Moreno addressed the British government on the 17th of June. The answer of Lord Palmerston, the British secretary for foreign affairs, dated the 8th of January, 1834, has been already frequently mentioned in the foregoing pages, and each particular point in it has been examined at length; it was probably nothing more than one of those diplomatic expedients for the purpose of repelling the importunities of a powerless complainant; in which many pages are employed to convey the meaning of the few words *sic volo sic jubeo*. As a state paper in justification of the acts of Great Britain before the world, it is in all respects unsatisfactory; being indeed a mere tissue of erroneous assertions, insufficient evidence, and illogical deductions. Those who read it, should be cautious in giving their assent to any of its propositions; and they should compare the views of political law there set forth, with those expressed in the *Statement* which emanated from the same government in 1826, during the negotiation with the United States relative to the northwest coasts of North America.

The seizure of Soledad by the British was, in fact, utterly unjust; and their claim to the possession of the Falkland Islands was as unfounded as that of the Buenos Ayreans to prohibit other nations from frequenting them. The latter government had, however, placed itself so manifestly in the wrong, by its illegal and arbitrary proceedings with regard to those

islands, that its complaints excited no sympathy in any quarter, and its opponents, whoever they might be, were sure of having in their favor the prepossessions of the rest of the world. Had the Buenos Ayreans been content to settle on the islands, without seeking to deprive others of advantages which they had no means of appropriating to themselves, and which, by reason, justice, and the consent of all civilized nations, were common to all, it is more than probable that their rights thus exercised would have been tacitly recognised, and that their establishment might have become profitable to themselves, and beneficial to all other nations. But their imprudent and rapacious conduct, in attempting to revive the unjust and obsolete prohibitions which Spain had been unable to enforce, drew down upon them the indignation of more powerful states, and subjected them to humiliations for which they have no claims to redress.

IN CONCLUSION.

The peculiarities of the soil and climate of the Falkland Islands, as regards their effects upon vegetation, appear to forbid the supposition that those territories can ever afford support to more than a very small number of persons; as all the wood and vegetable food required by the inhabitants must be brought from a distance, and they would have little or nothing to give in exchange. It is, however, reasonable to believe that during the continuance of peace among the maritime nations of Europe and America, two or three small settlements at points on the coasts of the islands, particularly on the east side of the East Falkland, for the purpose of supplying vessels with water, and perhaps with salt meat and fish, might be maintained with profit to the occupants, as well as to those engaged in navigating the stormy Southern ocean; but such establishments could only subsist under the protection of some great naval power, which would scarcely refrain from appropriating to itself exclusively the advantages derivable from them. Great Britain has planted her flag on the islands; and there can be little doubt that it will take root. The rapid progress of that power in the colonization of Australia and New Zealand, and in commercial intercourse with the Spanish American states on the Pacific, is well known; her vessels return from those countries usually by way of Cape Horn, and as the Falkland Islands are exactly in their course, and in the best position to serve as an *oasis* in the ocean desert for their refreshment, it is not likely that their wise and watchful government will neglect to provide for their full enjoyment of those benefits.*

* The following observations by Fitzroy merit particular attention :

“No one making a long voyage hesitates to take in an additional supply of good water during his passage, if he can do so without delay of consequence, and without danger. It is the natural unwillingness to get in with the land, to be delayed in port, to pay heavy port dues, and to risk losing men, which generally induces seamen in command of vessels to avoid every port, excepting that to which they are bound; but if you could ensure to a ship, loading at Sidney, a safe half-way house at the Falklands, she would hardly prefer carrying a quantity of water no longer necessary to the proportion of cargo that might be stowed in its place. Local circumstances, such as the relative position of the land, the set of the tides and currents, the prevailing winds, and the accessibility of Berkeley Sound and Port William, [near the south side of the entrance to Berkeley Sound,] contribute to make the easternmost part of the Falklands safer and more easy of approach, than almost any place that I am acquainted with. The river La Plata is

The trade of the United States with the Spanish American republics on the Pacific is also extensive and important ; and their citizens carry on nearly the whole of the whale and seal fishery in that and in the South Atlantic oceans. To their vessels homeward bound from Cape Horn, the Falkland Islands offer the same advantages as to the British ; and hitherto, or until within a recent period, those advantages have been enjoyed freely and equally by both nations. The United States have no pretensions to the sovereignty of the Falkland Islands, or any other territories in that quarter of the world ; but they claim for their citizens the unrestricted and unconditional right to navigate those seas, bays, and straits, and to use those coasts for the purposes of their fishery, and for the refreshment of their vessels. Will this claim be contested by Great Britain ? will an attempt by that power to appropriate to herself unjustly, privileges and advantages so long open to all, serve as another ground for dispute between her and the United States ?

ART. II.—MORALS OF TRADE.

NUMBER THREE.

THE virtues of honesty and sincerity receive no greater homage from the heart of man, than in the general impression that certain callings are exempted from the strict rules which are essential to others ; for men have not the effrontery to pretend to excuse their lax morals, but support their position, whatever it be, by an appeal to custom, the habits of others, and other sophistical arguments, which ought to go to subvert rather than strengthen them. For these are reasons against the calling itself, if it cannot be conducted in accordance with the strictest rules of the law of the land and the law of conscience.

This appeal to custom, to what others do, is the never-failing resort of those who feel they are doing wrong ; but they do not insult virtue and religion by pretending to be doing right. The necessity of the case, the imperfect state of society, the relations of business, and the habits of trade, make such courses the only alternative ; and so the argument ends. It is better thus than if we had to contend with a perverted mind rather than a wicked one. No case is so hopeless as that in which a man insists up-

out of the way of our homeward-bound vessels, and dangerous. Santa Catherina is almost as much out of reach, and deficient in many articles of supply ; Rio de Janeiro and Bahia are also out of the line, and very expensive, though they are often resorted to. Saint Helena is too far east, scantily supplied, and more expensive than the Brazils. But almost every one of those ships *sight* the eastern end of the Falklands, as they pass by, to correct or verify their longitude ; and how very little delay then would they experience if their course were shaped so as to pass a little nearer Port William, and there heave to under the lee of the land, or let go an anchor, as might be most convenient." The opinion of such an officer as Captain Fitzroy will not probably be disregarded by his government. All his observations apply with equal force to vessels sailing from the Pacific to the United States.

on calling his vices virtues. To be sensible of a fault, is the first step to reformation.

We confess that there are distinctions and rules which, at first originating in justice to protect honesty, have come to be applied to just the opposite cases; as the shield, which was invented to protect the brave man and enable him to fight the longer for his country, may be used to shelter the coward, and cover his back from the darts of the enemy as he runs away from the contest. To give an instance: a man may refuse, in selling a horse, to give a warranty sale of him, because he is perhaps unacquainted with the nature of the animal, his diseases, &c., and does not wish any further trouble in the business. He wishes to be rid of the horse, for better or worse, and is willing to take so much for him. This is perfectly fair, and if the buyer loses by finding some blemish in his purchase, he must blame his own sagacity. Now a jockey may trim up and feed up a broken-down beast and sell him in the same way, without warranty, and, apparently, be in the same position with regard to his purchaser as the first. But it is easy to see that the one is an honest man and the other a knave, though the acts of both are to appearance precisely the same. Is it possible that the jockey, in finding himself untouched by the law of the land, can think he is innocent in the court of conscience? We say it is possible; and he pleads custom, and says others do the same; and perhaps quotes this very case we first supposed, as an argument in his favor. He is in the common error of thinking that what is legal is right; or rather, that so a man does not render himself amenable to the law of the land, he can do nothing wrong.

We are convinced that this opinion is at the foundation of all the dishonesty, fraud, and mistrust which poison the streams of trade, and make what ought to be a school of enterprise, philanthropy, and virtue, a severe temptation and trial for innocence and purity.

The laws which regulate trade are no more complete than those which regulate personal conduct. The law can only deal with acts; it cannot penetrate to motives. It leaves of necessity something for the conscience to do. It does not entirely take away our free agency. Men have the power of doing wrong with impunity, as it regards human affairs. They are not machines moving by the wheel-work of statutes. And it is easy to see that this is wisely ordered; for unless we are subjected to temptation, we can have no virtue. A man may be innocent without temptation, but he cannot be virtuous. The infant in the cradle is innocent, but who thinks of calling it a virtuous infant? Virtue with the ancients meant courage; to fight with passions, boldly to stand in the hour of moral need and to conquer himself, was esteemed the noblest of the victories of a man.

That all human occupations might tend to the cultivation of virtue and the soul—for we are arguing upon the ground that all will admit that life is a disciplinary condition—human laws are limited in their restraints; and, by the ordination of Heaven, the power is granted to every human being of lying, cheating, and defrauding,—sins for which he has to answer in a higher court than any human tribunal.

It seems very proper to state this fairly and plainly, for the benefit of those who are under the strange infatuation of supposing themselves good and honest men, because they do not outrage the laws. Let it not be understood that we assert that any wrong can be committed for which there

is not a penalty. Unhappiness and remorse are the necessary consequences of all sin, as happiness and peace are of virtue ; but human law is left imperfect, in which the penalty does not immediately follow the offence, but is left to another state of being. Were there a penalty for every human offence in this world, the selfishness of the heart is so complete, the love of bodily ease and comfort so cared for, regard for reputation, honor, and station so sought after, that, in so narrow a field, room would not be left for the free action of the soul, and it would be cramped and dwarfed in its attainments.

We refer to the little advantages men take in their transactions with one another—the physical truth and moral falsehood of many actions. A man has a quantity of butter, or wool, or wheat to sell, and may say, that *he knows* of none better in the market, to his purchaser. Now he may know of none better and none worse, because he does not know of any other at all. He utters a physical truth in saying this, but he also is guilty of a moral lie ; for his words mislead the buyer, and he understands him to say that there *is* none better in the market. Thus men deceive themselves and take shelter under a quibble.

In the small trading it is feared there is altogether too much of this play upon words ; but if it stopped there, in the retail business, in sixpenny and shilling bargains, it would seem too contemptible to notice it ; but the pattern for this has been gained from higher authority than small trading. Nor is the doctrine to be supported, that no advantage is to be taken in trade. There are *fair* advantages as well as unfair. The merchant may, by extra pains and outlay in the building and management of his ships, secure speedier returns than another ; get possession of the market and ensure to himself a larger profit than ordinary. By study, intelligence he has paid for, he may know more than another of the political condition of foreign countries, and buy and sell stocks with reference to such knowledge ; while another may lose money in such operations. The retailer may make his place of business attractive by location, neatness, gentlemanly clerks and obliging manners, and thus quite outshine his neighbor who has goods of equal value and price with himself, without any unfairness or criminal deception.

Such considerations are what make trade a science, and call into exercise sagacity and knowledge. The merchant no more than another man is required to carry his heart in his hand, and his plans on his face. He may be secret without being deceitful, and use his discoveries by the patent of keeping his own counsel. Our remarks are aimed at the paltry tricks of trade which are, and can be, practised with impunity, from their very smallness and insignificance, not at the operations in which fortunes are made by foresight, knowledge, and intelligence, which indeed are as much sources of income to the merchant as bank-stock and real estate. Happy that day will be for the interests of trade, when the distinction shall be acknowledged which exists between trickery and foresight, deception and ingenuity ; when the merchant shall be paid for his knowledge, his skill as well as for his goods, and intelligence shall become a staple in the market.

No more just enactment was ever made than that which secures to a man the product of his ingenuity and skill for a term of years. If then the cold and heartless law—and this is its merit, that it has no particular sympathy, but regards only justice, truth, and the general good—has protected a man in the enjoyment of what is vulgarly called his head-work,

when it shows itself in tangible, visible contrivances, such as steam-engines, threshing-machines, and patent scales, much more may a man avail himself, as far as he is able, of his ingenuity and skill in more delicate operations, which involve politics, agricultural and chemical knowledge, besides nice discrimination of character, without overstepping the bounds of honesty, but, on the contrary, with the greatest credit to his understanding and benevolence. It would take away from trade all its honorable excitement were it otherwise, and be using the merchant as a mere convenience, a kind of storehouse for the public benefit. The money he might amass, even in such a state of things, would be far from satisfying the heart of the intelligent merchant. He must have his intellectual spoils and trophies as well as the lawyer and statesman. He asks your applause for an expedition from which he has returned, not stained with blood and followed by the curses of orphans and the lamentations of widows, like the warrior, but loaded down with silks, teas, wines, and spices, by which in two years he has just doubled his fortune. The money is very well, and lies softly and easily in his pocket; he is not annoyed by the weight of it; but if we are not much mistaken in the human heart, he regards his reputation as an intelligent, far-sighted man, as a matter of more consequence than all the gold and silver in the world. We cannot stop to argue this matter about the high value even merchants put upon their reputation for intelligence. There is no better proof of the dignity of human nature than the delight he evinces, whose whole life has apparently been devoted to gain, upon finding himself capable of enjoying the society of men of intellectual taste, and the respect and homage he involuntarily shows to wisdom and learning. Men prefer to be thought knaves rather than fools, however unwise it may be, for knavery is the deepest folly. There is no place where a witticism or a keen remark meets a readier sympathy or louder applause, than in the offices and places of resort among merchants; and especially if it originates from one of themselves. The ready smile and joyous peal of laughter is as much given to a sense of or capacity for intellectual enjoyment as to the saying or remark uttered. We, their hearts say to them, are not mere jobbers, money-getters, and bankers; we have mind, soul, heart, like other men: blessed be him who invented thinking and joking! Another proof of their respect for every show of intelligence, is the unusual care they bestow upon handwriting and spelling. You will find ten bad writers and spellers among lawyers and clergymen to one among merchants; so anxious are they for the appearances of education. But another and more striking proof of this is found in the patronage our merchants bestow upon schools. How could so many precious humbugs thrive, as many of the crack schools undoubtedly are, were it not that merchants, feeling the want of early education, prizing it above rubies, are willing to pay their hundreds of dollars for the bare chance of obtaining it for their children? They stop not to inquire, so earnest and zealous are they in this cause, such respect have they for mind and learning, and all who profess it, so unsuspicious of any imposition from such a quarter; but pour their wealth like water to refresh these seminaries of accomplishments, often, alas! schools of frivolity, show, and superficialness.

There are advantages enough to be taken in trade, fair, honorable gains, the product of superior skill and application. There is room enough and occasions enough, to give scope to applications of mind, science, care,

foresight, without resorting to unlawful means, which, however countenanced by custom, degrade the morals of him who uses them. Let it not be said that love of excitement hurries men into desperate courses, when such noble stimulants abound in the resources of our growing country, which offer a fortune, at least a competency, to any young man who is willing to seek it by industry and honest means. These are false excuses to shield a morbid taste and corrupt customs which have become woven into the habits of trade. The great precept to be uttered to the young merchant is, Wait; be patient; your time and turn will come. Learn a lesson from the husbandman, from the patient birds that remain upon their nests during a long and hungry incubation. By and by the harvest is ripe for the sickle, and the happy bird is wheeling about in the air, mindful of the peeping young ones that now reward her sad and monotonous setting. So to you, success will come, but not in a day or a year. The incubation that hatches out a fortune is long in proportion to the value of the result. But it is not to be gained by stratagem and unfair management; and besides, there is one consideration, above all others, with which we shall close this paper, and that is, that *the fortune which is not fairly won, cannot be happily enjoyed.*

ART. III.—LAWS RELATIVE TO DEBTOR AND CREDITOR.*

NUMBER XIV..

A L A B A M A .

THERE are few states, in proportion to their population, more intimately or extensively connected in their business relations with other and distant parts of the Union than Alabama. Disposing abroad of the great staple—in the culture of which she is almost exclusively engaged—and relying upon her neighbors for many of the necessities, which otherwise she might herself produce, her laws of debtor and creditor must consequently affect the interest of many, who by their situation are incapacitated from readily ascertaining what those laws are.

To supply this deficiency as far as possible, it is intended in the following article to give a summary view of the laws of Alabama relating to debtor and creditor, together with such information as may be of use to those who have occasion to resort to the laws of this state.

COURTS.

The highest judicial tribunal in this state is the supreme court. It consists of three judges, exercises appellate jurisdiction only, and holds its terms at Tuscaloosa twice in every year, on the first Mondays of January and June.

The circuit court has original jurisdiction in all matters, civil and criminal, throughout the state; but in civil matters only when the value in controversy exceeds fifty dollars. There are ten judicial circuits.

The county or orphans' court has cognizance of all matters relative to

* Prepared for the Merchants' Magazine by Josiah Bond, Esq. Attorney at Law, Mobile.

the settlement of estates, and concurrent jurisdiction with the circuit court, in all actions of a civil nature, excepting real actions. Each county in the state has its own court and judge.

The chancery court has jurisdiction of all matters in equity. There are two chancery divisions, each divided into three districts, with a chancellor presiding over each division.

Justices of the peace have cognizance of all cases of debt or assumpsit—not sounding in damages merely—where the value of the matter in controversy does not exceed fifty dollars, and in cases of forcible entry and unlawful detainer, where the right of *possession* and not the *title* is tried. Executions are returnable in thirty days. Appeals lie from the justice's court to the circuit and county courts—triable *de novo*; from the county court to the circuit and supreme court; and from the circuit and chancery to the supreme court—triable upon the record only—upon errors in law.

The United States circuit court sits at Mobile on the second Monday in March, and the fourth Monday in November. The United States district court for Mobile, on the first Monday in May, and the second Monday in November.

The United States district court for the middle district sits at Tuscaloosa on the fourth Monday in May, and the first Monday after the fourth Monday in November. The state circuit court at Mobile on the third Monday in April, and the first Monday after the fourth Monday in October. The Mobile county court on the second Mondays of February and June. The Mobile chancery on the second Mondays of May and November.

The above are the courts in which non-residents are chiefly interested, the various others sit at different times throughout the year.

PROCESS.

Suit is commenced by a writ of summons, executed at least five days, and returnable three days before the commencement of the term; and is served by the officer leaving a copy of the writ, with the cause of action endorsed upon it, with the defendant. When the action is upon any bond or note for the direct payment of money, suit may be commenced by filing the note with the clerk, accompanied by a petition, setting forth the instrument and praying judgment thereon; which petition will answer for a declaration; and a copy of the same, with summons annexed, served upon the defendant in the manner of a writ, will constitute a sufficient service.

Any person can be held to bail to appear and answer at the proper court, by the plaintiff or his attorney making oath that the defendant is about to abscond, or has fraudulently conveyed, or is about fraudulently to convey his estate, or that he hath moneys liable to satisfy his debts which he fraudulently withholds: unless the defendant will swear that the particular grounds upon which he is arrested are untrue, and that he hath no effects to satisfy his debts, in which case he will be released.

Residents of the state cannot be sued in any of the state courts, out of the county where they reside.

Where a *capias* is returned "*non est inventus*," the plaintiff can sue out a *judicial* attachment against the personal estate of the defendant, (if a resident of the state,) and judgment shall be entered up if the defendant fail to appear and plead in the limited time; but an *original* attachment can only issue upon the plaintiff or his attorney making affidavit that the

defendant is about to abscond—is secreted—resides out of the state—or is about to remove himself or property out of the state; and that an attachment is not sued out for the purpose of harassing the defendant: and further, must give bond in double the amount of the debt to prosecute the attachment to effect, or pay the defendant damages for the wrongful suing out of such attachment.

In case of non-residents, without a resident agent, judgment cannot be rendered upon an attachment until six months after issuance thereof, or until notice shall be given to the defendant or proper publication made. The stay cannot, however, exceed one year.

TRIAL.

The ancient statute of amendments has been re-enacted here, and amendments are also liberally allowed by the courts.

Where the suit is founded upon any writing, whether under seal or not, such writing is received as evidence of the debt or duty for which it was given, and cannot be denied except by plea, supported by the affidavit of the party putting in such plea. And in general, no plea of *non est factum* can be admitted except when accompanied by affidavit as to its truth.

Either party can be admitted to testify upon oath when the value of the contested matter does not exceed one hundred dollars. And interrogatories may also be filed by either party, calling upon the other in open court to give his testimony upon the matter in controversy when its value does not exceed five hundred dollars.

In civil cases the testimony of aged and infirm persons—and females—and those residing over one hundred miles from the place of trial, or without the state—may be taken by deposition through commissioners appointed for that purpose; notice being first given to the adverse party.

Judgments are usually obtained at the second term, and constitute a lien upon all the real estate held by the defendant when the judgment is rendered; but upon personal property only, after the execution is in the hands of the officer.

EXECUTION.

Execution issues forthwith upon rendition of judgment against the property of the debtor, but against the body only in special cases.

The following articles in possession of any family are exempt from execution or other legal process: two beds and furniture, two cows and calves, two spinning-wheels, two hoes, two axes, five hundred weight of meat, one hundred bushels of corn, all the meal that may at any one time be on hand, two ploughs, one table, one pot, one oven, two water vessels, two pair cotton cards, *all books*, one churn, three chairs, one work horse, mule, or pair of work oxen, one horse or ox cart, one gun, all tools or implements of trade, twenty head of hogs, and all arms and accoutrements of the militia.

No property belonging to a tenant upon leased premises is liable to execution until the arrearages (if any) to the amount of one year's rent, are paid to the landlord. Nor is a planted crop liable to execution till the same is gathered.

When the money is made, and the officer retains it in his hands three days after it has been demanded, he is liable to be fined in a sum not less than one half, nor more than the entire amount so received. The party injured may also have his private remedy.

INSOLVENCY.

Upon like affidavit as in the case of a bail, writ or execution against the body of the defendant can issue, but the debtor may discharge himself from arrest by rendering a schedule of all his estate and credits of every kind whatsoever, and taking oath that he has no other estate, real, personal, or mixed, above the value of twenty dollars, except the goods and chattels exempt by law from execution.

If such statement or schedule is controverted by the plaintiff, a jury of twelve men may be summoned instanter by a justice of the peace to ascertain whether such oath or schedule is untrue and fraudulent or not; if proved to be fraudulent, the debtor shall be imprisoned one year, and forever debarred from the beneficial provisions of this law.

In no case can an execution, or other legal process of a civil nature, issue against the body of a female.

We have no bankrupt law in this state, and execution can issue upon any property subsequently acquired by the defendant.

BILLS OF EXCHANGE.

Damages are allowed upon domestic bills, protested for non-acceptance and non-payment at the rate of ten per cent.

Upon foreign bills payable within the United States at the rate of fifteen per cent.

Upon bills payable without the United States at the rate of twenty per cent, and all charges incidental thereto with legal interest until paid.

Acceptors in this state are not liable to the payment of damages.

Damages at the rate of five per cent only shall be allowed upon bills drawn by any person in this state, and payable at any place in this state, or in the city of New Orleans, which may be purchased by the Bank of the State of Alabama, or any of its branches, and returned protested.

The rules of the law-merchant govern as to days of grace, demand, and notice, in regard to notes and other instruments payable in bank, as well as to bills of exchange.

PROMISSORY NOTES.

Promissory notes always import a consideration until the contrary is shown. Those payable in bank are negotiable. Cotton receipts also (receipts given by gin and warehouse holders, upon the deposition of cotton) are upon the same footing as to negotiability with inland bills of exchange.

All other promissory notes, bonds, obligations, and writings for the payment of money, may be assigned and suit brought by assignee, subject, however, to any offsets possessed against the same by the defendant previous to notice of assignment.

Endorsed notes must be sued at the first term after they become due, otherwise the endorser is discharged.

It is necessary to prosecute the maker of the notes last mentioned to insolvency, before recourse can be had upon the endorsers; but when judgment is obtained by any assignee or endorsee against the maker, and execution returned, "no property found," action may be commenced against the assignor or endorser, and the returned *feri facias* will be proof of the insolvency of makers.

The owner of any note or instrument in writing which may be lost, may recover thereon, first making oath in writing as to its loss and non-payment, and proving its contents.

Notes and bills sent into this state for collection, ought always to be accompanied by the protests, expressing in the certificate when and how notice was given, and if sent by mail, to what office; the certificate itself being admissible in evidence.

STATUTE OF LIMITATIONS.

Judgments may be revived by *scire facias* at any time within twenty years after rendition.

Every action for debt or covenant under seal must be commenced within sixteen years after such cause of action has accrued. Actions of debt or simple contract are limited to six years after cause of action accrues; those upon open account to three years.

Every real, possessory, ancestral, mixed, or other action for lands, must be commenced within thirty years after the right and title thereto has accrued.

In case the person entitled to institute any of the above actions is a minor, femme-covert, or insane, or the defendant is absent without the state when such action might be instituted, the statute will not run during the time any such disqualification exists.

INTEREST.

The legal rate of interest in this state is eight per cent, but banks are prohibited from taking more than six, except in certain cases when the state banks are allowing a greater per centage. Usurious contracts forfeit the interest and usury.

ESTATES.

In case of intestacy the wife of the deceased is entitled to one third of the estate, and if there are no children to one half; but if the estate is insolvent she is endowed with one third only of the real property.

Claims against the estate must be presented within eighteen months after probate or letters issued, or they are barred, with the usual exception of minors, &c., and at the expiration of that time distribution of the estate may be ordered by the court.

In case of insolvency after payment of debts due for the last sickness and funeral expenses, the estate shall be divided amongst the creditors *pro rata*, they first filing evidences of their claims in the clerk's office. When the heirs are non-residents, the court orders notice thereof to be published.

Every person of the age of twenty-one years, of sound mind, may dispose of his or her estate by will. All wills of real estate must be signed by the testator, or by some person in his presence and by his direction, and attested by three or more respectable witnesses. The widow, however, may waive the provision made by her in the will, and claim her dower, but in such cases she can receive no part of such provision, unless it plainly appear that the testator intended it in addition to her dower.

A will of personal property merely, will be good without witnesses.

To constitute a valid nuncupative will, the words spoken must have a

legal certainty, or be spoken during the last illness, and proved within six months.

The validity of any will may be contested by a bill in chancery within five years from the probate thereof.

Authenticated copies of wills proved according to the laws of any of the United States, or any foreign territory, touching estates in this state, may be admitted to probate here; liable to be contested as the original might have been.

Wills proved and recorded in any county of this state for the space of one year, which may be required to be proved in any other of the United States to enable the executor and administrator to comply with its provisions, may be withdrawn.

EXECUTORS AND ADMINISTRATORS.

If no one qualifies within three months to administer upon the estate of the deceased, the sheriff will act *ex-officio* upon appointment by the court.

Letters of administration granted in other states will entitle the holder to sue for property in this state, if, before rendition of judgment, he produces in court a copy of the letters testamentary, duly authenticated according to the laws of the United States, and the certificate of some county clerk of this state, that such certificate has been duly recorded in his office; and before he can receive any money he must, in addition, deposite in the county clerk's office such bond as the judge may direct, conditioned for the faithful discharge of his duties as administrator or executor.

CONVEYANCES.

All conveyances of real estate must be acknowledged before some notary, justice, or clerk of the court, and recorded in the clerk's office of the county court; and if not recorded within six months, they are void as to subsequent purchasers and creditors.

Any deed of real estate, lying in this state, and executed by persons residing without the same, can be admitted to record in the county where such estate may lie, if acknowledged or proved before any judge or justice of any court, or notary public, of the state or territory where the maker of such deed may be. Provided, that the certificate of such acknowledgment is accompanied by a certificate of the clerk of the court to which such judge or justice may belong, that such judge or justice is of such court, and that due faith and credit is to be given to any act done by them in their official character. The seal of such office, if such there be, ought also to be affixed.

No estate of a *femme-covert* in any lands in this state can pass by her deed, without a previous acknowledgment made by her on a private examination before some judge, justice, or clerk, that she signed and delivered the said deed freely, and without any fear, threats, or compulsion of her husband.

Twenty years uninterrupted adverse possession constitute a good title.

LETTERS OF ATTORNEY

Made without the state are valid here upon *proof* of the *signature*. We have no statutory enactment upon this point; but it is advisable to have such letters authenticated by the same formalities as in the case of conveyances, where it is probable their authenticity will be contested.

LIEN.

Judgments are liens upon all real estate possessed at, and acquired within twenty years after, rendition of such judgment.

Mechanics have a lien upon buildings erected by them for labor and expense laid out thereon. Creditors of steamboats, or other water-craft, have a lien upon such boats for labor, materials, or stores furnished *within* this state. The lien is enforced by proceedings in the nature of a libel; laborers having the preference.

Ship-carpenters and joiners have also a lien upon all articles in their possession for work laid out thereon.

ART. IV.—THE TRADE OF FOREIGNERS IN RUSSIA.

1. THE privilege of trading in Russia is granted to foreigners not owing allegiance: 1st., as *settled* merchants, styled *foreign guests*; and 2d, as *travelling* merchants, making short residence. A foreign guest is a merchant, who, for the sake of carrying on a wholesale ex- and import trade, acquires a partial citizenship, and establishes a regular house at a seaport or frontier town. A travelling foreign merchant is any foreigner temporarily transacting wholesale business in Russia.

2. Neither description of merchants are allowed to transact business (in purchases or sales of merchandise) with others in the same position as themselves; both having to sell or barter their commodities to Russian merchants of the first and second guilds, or to trading peasants of the first and second classes only, and from such alone they have also to make their purchases of Russian produce. They are, therefore, barely allowed to sell what they import, and to export what they buy without speculation for resale on the spot.

3. Foreigners, not registered resident foreign agents, yet wishing to transfer their capital, their craft, art, or mastership to Russia, are allowed to erect fabrics and manufactories, and to get written up in the guilds, paying the dues attached thereto, without taking allegiance to Russia, for a term of ten years, at the expiration of which they are either bound to take allegiance or to sell their establishments. Such foreign manufacturers may deal in the articles they manufacture, according to the privilege of the guild they belong to.

4. To such foreign manufacturers the minister of finances is empowered to grant exemption from the guild-rates for three years, but this cannot be done more than once to the same party. If there be peculiarly important advantages to the empire in view from such an establishment, rendering it expedient to grant greater immunities to the owner, the minister of finance has first to make a report thereon to the council of state for obtaining his majesty's special consent thereto.

5. Foreigners not recognising allegiance to Russia, but having obtained certificates of free residence, are allowed to become members of the tradesmen's (tailors, shoemakers, smiths, &c.) guilds in any town or corporation of the empire, by applying to the local revenue officers. In such cases they are, according to the nature of their craft, subject to the municipal

regulations for practising them, established for Russian craftsmen, but remain exempt from military conscription, personal municipal services and the poll-tax, in lieu whereof they pay a special tax, and may besides obtain exemption therefrom also, for a certain time, as above stated.

6. Foreigners, working and assisting at fabrics and manufactories, may reside in Russia, with proper certificates, without being written up in any tradesmen's guild or paying any tax whatever, a certificate of free residence being granted by the local authorities to every foreigner on his arrival, without any expense, on his delivering up his passport, for the sole purpose of identifying who and what he is, and to what country he belongs.

7. A foreign merchant, having taken up residence at a seaport or frontier town, with the intention of establishing a house there, becomes a foreign guest, and entitled to the privilege of trade by getting written up in, and procuring the license of, the first guild, paying the annual rates attached thereto, with the local taxes due to the town, without becoming a burgher of the corporation. On producing his license at the town-house, for registration as a guest, he has to sign a declaration that nobody else residing in Russia is in co-partnership with him in trade; every full and responsible partner having to be licensed for himself, and foreigners not being allowed to be in partnership with Russian subjects.*

8. A foreign guest is not allowed to transport or forward goods from his place of residence to other towns or places of the empire for sale on his own account, except to the Korennaya, Nishney, Novgorod, and Irbit fairs.

9. A foreign guest may travel, and make purchases of produce and manufactures for exportation throughout the empire from Russian merchants, landed proprietors, and peasants, trading by licenses of the first and second guilds and classes; and he may transport goods so bought to the seaport or frontier town where he is established, for exportation from thence.

10. A foreign guest may import goods not prohibited, for disposing of them by wholesale upon 'change or in the town where he is written up, and at the three fairs before-mentioned; but he is not allowed, either himself, or through his clerks, to make sales by retail.

11. A foreign guest may acquire, establish, and own fabrics and manufactories in the interior only by special permission, obtained from his majesty the emperor, in consideration of the acknowledged utility of such establishments.

12. A foreign guest, being a manufacturer, may import the materials, engines, and utensils required for his own establishment; and he may sell the articles he manufactures, not only on his own premises, but also in other towns, by wholesale; besides exporting them on account of himself, or of any other person, in his own name, or in that of a Russian or foreign merchant.

13. A foreign guest may transact bill business with foreign parts, but he cannot enter into inland bill business with Russian merchants of the third guild, with peasants of the third and fourth classes, nor with simple burghers, being in this respect restricted to the first and second guilds and classes.

14. A foreign guest may possess houses and lands (without glebe ad-

* See Co-partnership, which will be published in the next number of this Magazine.

scripti) in Russia, and must in every respect conform himself to the laws of the country.

15. A travelling merchant may transact wholesale business upon the exchange and within the customhouse circuit of a seaport or frontier town, or at any of the three fairs named in §8, for a term of six months from his arrival, without being written up or paying any guild-rates or taxes (except the im- and export duties,) the authorities on the frontier having endorsed the date of his arrival on his passport.

16. A travelling merchant, making a longer stay than six months at such exchange or market for transacting his business, has to procure a license of the second guild, and to pay the town dues connected therewith. If he reside at such market longer than a twelvemonth from his arrival, he is then bound to get inscribed into the class of foreign guests, and to provide himself with a license of the first guild in due form, otherwise he must either leave the country or reside as a mere foreigner without trade.

17. A travelling merchant is presumed to make only one importation of goods, contemporarily with his arrival, for sale during the first six or twelve months of his residence, and not to repeat the transaction without going home again, as this would be contrary to the spirit of the law, and is accordingly prohibited. During the six or twelve months he may make what purchases of export goods he pleases, for shipment in his own name, being barely confined to transacting all his business with Russian merchants of the first and second guilds, and trading peasants of the first and second classes. These regulations refer also to agents of foreign merchants, supercargoes, and ship-masters.

18. The children of foreigners, not recognising allegiance, though born in Russia, remain foreigners too, by their fathers' right.

19. In the course of time many foreigners, settled in Russia, have taken allegiance there, in order to enjoy the full immunities of Russian merchants. The law allows every foreigner, after having become, and resided as, a Russian subject, to return again to his mother country, resuming his natural allegiance, after having given notice of such intention to the Russian government, and paid a certain duty on the property he takes away with him.

20. Britons are held in very high estimation, both by the Russian government and the nation at large, being known as individuals of wealth, of respectable character, and as well-informed, clever, and industrious merchants, manufacturers, and tradesmen, carrying on an extensive commerce, and minding their own business, without transgressing against the laws of the country, or engaging in contraband and other illegitimate trades.

21. The sole object of what is called the British Factory at St. Petersburg is to regulate certain private principles and arrangements relative to some rates of charges on goods, the concerns of their church and private poor fund, their widows and heirs, in which respects questions of British law belong to the jurisdiction of the British embassy and consulates, no Russian subject being interested therein.

We shall proceed in the next number of the Merchants' Magazine to a short explanation of the Russian law of co-partnery in trade.

ART. V.—THE CURRENCY.

ON A GOVERNMENT PAPER, AND ON THE CONNECTION EXISTING BETWEEN THE
PAPER-MONEY SYSTEM AND THE TARIFF.

SINCE the publication of my article in the last number of this Magazine, in which I suggested a plan for the establishment of a national paper currency, upon the supposition only that it be correct for congress to direct the issue of paper, (and which is in part the substance of an essay, written a year since, of which Dr. A. Potter speaks in his Political Economy,) the cabinet has produced a plan for a government paper, concerning which, and the banking system in conjunction with which it is intended to operate, I venture to make a few suggestions. Before making them I would remark, that a government paper-money could be recommended only in cases when the government is compelled to make a loan. The question, whether, in case the proceeds of the public lands had been retained, this necessity would have existed in this time of general peace, I leave to the decision of others, and confine myself to the main subject; observing only, that when the necessity for a loan exists, a government issue saves the payment of interest on the loan. In this way a considerable amount of the interest on the immense loans of the English government could have been saved, if they had issued such a part of it as would have been proportionate to their credit.

The board of exchequer, together with its agents, shall have the capacity, according to the cabinet's plan—first, of *issuing*, and secondly, of *discounting* paper.* In so far as the arrangements for the *issue* are concerned, I find no objections, since my own views on that subject, as expressed in my previous article, coincide with them, viz: that the men appointed to issue the paper, and this issue itself, be under the control of congress, so as to avoid the so-called union of purse and sword; and that, in order to avoid the danger of an *over-issue*, the amount should be decreed by congress, that those who are appointed for making the issue should make a full register of it, revised by congress, and that all bills issued should be countersigned by the secretary of the treasury, etc.: but concerning the *discounting* of the proposed plan of exchequer, I venture to express the following doubts; and in order to sustain my reasons, I must be permitted to begin with an apparent digression.

It is sufficiently known, and demonstrated in my former article, that all the dangers and evils of paper money, produced by the continual expansions and contractions, originate from the *over-issue*; that is, issuing to a greater amount than the capability of ever-ready redemption. All evils of paper money are therefore to be cured in this one common point—the issue. In order that the check against those evils which we wish to avoid before they take place, should be *preventive* rather than *corrective*, the checking remedy must exist in the nature of the issue itself. A sure check can only exist, if the *self-interest* of those issuing the paper obliges them always *carefully to confine their issues below their capabilities of redeeming*. In order to show the truth of what has been said by examples,

* The praiseworthy provisions for the safe-keeping of the public money, I do not consider in this article, since my subject has only to do with that part of the cabinet's plan which intends the establishment of a government paper.

I shall compare the fundamental principle of the Scotch with the American banking system. The decided superiority over all other of the Scotch banking by unincorporated companies—each member of which is responsible, in his whole personal and real estate, for all the debts contracted by the company, consequently for the whole of paper issued—consists in this fact, that according to this system, self-interest operates as the desired check, and compels the bankers to confine their issue within the limits of ever-ready redemption, so as to avoid their ruin. The interest with this system is, a *careful confinement or curtailment of the issue*; the interest with the American banking is, *the utmost expansion of the issue*, or in other words the *over-issue*—that very danger we wish to avoid: it contains in its principles therefore the germ of its destruction. The present American banks, as every one knows, issue in competition with other banks as much paper as possible, in order to make large profits during the time of specie payment, as well as during the time of suspension, when they also gain by the discounting of their notes done by their agents, since no evil accrues to themselves by their suspension, being by favor above the law, like sovereign princes. Over-issue and its too well-known consequences follow, therefore, necessarily from the very nature of this system; and since such is the case, they will ever follow, just so long as this system exists, no matter what legislative provisions may be made concerning them.*

In the Scotch banking system is self-interest, the true checking principle against the over-issue, developed; and a long series of years of its sound operation have proved its intrinsic value, as worthy of imitation, to the world.

A government paper has by its nature that disadvantage, in comparison with the Scotch private banking, that with the first self-interest does not operate as a check against the over-issue, since those who direct the issue—as here, congress—and those who make the issue, in the name of the government—as here, the intended exchequer board—have nothing to lose by the over-issue. The natural check here would be the *self-interest of the people*, who would lose by an over-issue, and consequently, the self-interest of those directing the issue, not to risk their popularity by a disastrous over-issue, and not to risk a final bankruptcy and dishonor towards the government. But since the responsibility in this respect is divided amongst a *great number* of men, *changing* in power, self-interest operates here less powerfully than with private bankers after the Scotch plan. The danger of an over-issue, in case of a government paper, is in itself consequently greater, and becomes still greater, if the expectation of gain, by *discounting* with such paper, is held out. Then interest stimulates to

* I here speak only of the comparative value of the systems, neither for nor against bankers and stockholders; what regards the latter—they in some of the eastern states, as New York and Massachusetts etc., deserve for their prudence during the last years of difficulties, the highest praise: it is the system itself which prevails throughout the states, that is to be reformed. If *truth* should clash against the *interest* of some, they must blame truth, not me; or rather they must reconcile *their* interests with the true interests of the country. Truth and justice have always been, throughout all history, and seem ever to be, at war with the interests of those men who pervert the true condition of society to their advantage, against the interest of weaker people.

expansion or over-issue, as is above shown in the present American banking. This would offer a great temptation ; since the voice of the speculators, among the constituents of the members of congress, would continually demand an increasing and even an over-abundant issue, which, in the course of time, might make it difficult for congress properly to restrict the issue within such limits, as thereby to protect its own reputation and the standing of the government paper against distrust, and individual property and contracts against unjust fluctuations in value. No discounting whatever ought to be done by any government officers—merely the issuing. It is only by keeping the issuing and discounting business entirely separate, that we can avoid the inducement to an over-issue, and of continual and consequent expansions and contractions. Those who make and direct the issue should have no interest in the quantity of paper issued ; only by this condition, can we hope that prudence, and a due regard to their own and the government's honor, might operate as some check against an over-issue.

In order to illustrate my remarks by facts, I annex the following account of the government paper money of Prussia. This paper money has no other basis than the credit of the government, which stands pledged to redeem the issued notes with its own resources ; and as its paper was issued only for paying national debts, on which *interest* accrued, and by that means converting them into debts on which *no* interest accrues, and as this paper was given for value already received, and consequently not coming into possession of any new receipts, the government was not concerned in any business of *discounting*, but only of *issuing*—*discounting* of all kinds being done by *private citizens*. The paper issued for the payment of this national debt amounts to twenty-five million two hundred and fifty thousand thalers, (each thaler about seventy-six cents,) for the redemption of which the annual revenue of fifty million thalers is pledged. This is the only paper money in circulation in Prussia, since the government alone issues, no private citizen or company being allowed that privilege. The amount of specie in circulation in the country amounts to about one hundred millions thalers. The amount of issue is fixed by law, and is made by persons appointed by the government, of the highest respectability and standing, who are disinterested with respect to the amount issued, and their books are again examined by the highest members of government, so that the *danger of an over-issue does not exist*. The government ever has held itself ready to redeem the paper, and has never failed ; and on account of this promptitude, the redemption has never been demanded, except when in the wars with France the political existence of Prussia itself was doubted by some faint-hearted holders of the notes.

The greater part of the issues are in large notes, although there are some of five and one thaler. A part of the duties and taxes must be paid, and all can be paid, with this money, which is continually on *par* with specie, not only throughout the kingdom of Prussia, but throughout the whole Germanic league of commerce.

Prussia has been always careful to confine its issues below its capabilities of redemption ; this has been the case as well in the urgent necessities of war, as in its present state of peace and prosperity. The reputation of this paper is owing to this cautiousness not to *over-issue*, and their promptitude to redeem it. Although in that country, as in any other, the voice of business men and speculators continually demands an abundant is-

sue, yet the government has restricted itself to the issue already made, and has thereby protected its own reputation and individual property and contracts against unjust and disastrous fluctuations of value. In this it was warranted by the principle, that no one can honorably transfer to another the *power* of purchasing which he himself does not possess.

If a government issues a greater amount than it evidently is capable of redeeming, the supposition necessarily arises that the intention could not be to redeem it at par, and the specie value of such paper becomes uncertain, and it falls, sinking deeper and deeper with each new issue. This was the case with Austria, who, by such management during her last war with France, greatly depreciated the value of her paper money, to the material injury of the people. The great natural resources and riches of the Austrian empire, made it possible to endure such a depreciation produced by over-issue.

With these remarks I conclude the discussion of the main object of my article: I merely append some observations on two important subjects intimately connected with the credit system.

In the first place, one thing which will have an important bearing on the credit system in this country, is the perfection of steam power, which in its infancy, even like a Hercules, performs marvellous deeds. By it this country has been brought in so close contact with England, that the capitalists of the latter will soon become better acquainted with the rich natural resources of this country, which invite to the profitable investment of capital, provided that strict faith, the basis of credit, is kept on both sides.

On the second subject I have already touched in my previous article—the connection existing between the paper-money system and the tariff; to which, in order not to be misunderstood, I must add a few words. If, by an over-issue of paper money, in such countries as intend to use the tariff as a protection of their home industry, prices rise above their customary level, merchants will take advantage of it, on finding that they can import abundantly with profit, over and above the payment of duties, from foreign countries where no artificial paper system swells the prices to an equally unnatural extent. In that case the tariff operates no longer as a protection. If, for instance, prices rise forty or sixty per cent, which is no uncommon occurrence during an over-issue of paper money, and if those articles are protected by a duty of twenty per cent, the importer gains still a handsome profit, after having paid the duty; and the producer, for whose benefit the protection was intended, must sell his products with a loss, or cannot sell them at all, in the competition of the market. Therefore, where the tariff is intended as a protection, there also *the standard of value must be as stable as possible*. Strange it appears, that the same persons in this country who are for a high tariff, frustrate the latter by their demand for an abundant issue of paper. If the producers understood rightly their own interest, they would not be in favor of such issuing; the speculators only can be in favor of the latter. In regard to the nature of the tariff itself, a *revenue* tariff, with a protection only of those branches of industry which are *natural* to this country, and as such have acquired a sound flourishing state, seems to reconcile the conflicting interests. By *protection* is not to be understood a duty equal to a prohibition, as England has imposed on some articles—for this would annihilate the idea of a *revenue*—but only such a duty, that the existing branches of industry can stand in competition, and may not be brought to ruin. A protecting duty ought

only to be so high, that after its payment, some foreign goods can be imported; this preserves the stimulus of competition, which induces the producers to exert themselves.* Those branches of industry that are *natural* to this country, and which are worthy of such a protection, appear to be, for instance—the manufacture of the more heavy and coarse wares, of iron, cotton, etc.; not that they cannot manufacture finer articles, but that a more successful competition can be sustained in the manufacture of coarser ware, in consideration of the expense of exportation of the raw material, and the importation of the manufactured articles, and the duties to be paid on them, which will more than counterbalance the higher wages of laborers in this country, since particularly females with lower wages are employed so extensively in the cotton factories. By the latter, the south will secure a home market, if England should succeed in procuring a great part of her supplies of cotton from the East Indies. But to produce and call forth artificially branches of industry, and to imitate the example of England, and to form a class of manufacturing laborers, suffering like the English, can certainly not be the policy for a country holding out so strong inducements for investments in agriculture, where industry is surely and richly rewarded, without the sacrifice of health, and without the contaminating influences of a dense manufacturing population. The agriculturists of this country—under which I include all who produce the raw material, the lords of their lands—are happier than the manufacturers of England, and seem to be the very pride of this country. It is evidently for their advantage to purchase their articles for consumption as cheap as possible, and therefore it is for their interest to patronise free trade. With an increasing population and wealth, manufactories will naturally grow, as competition for labor will be abundantly added to the vast natural resources of this country. But since all do not prefer the occupation of agriculturists, and since the natural inclination and talent ought to be consulted and regarded in such questions, and since some Americans, like the English, seem to desire the manufacturing business, the above-mentioned views in regard to a tariff seem to be demanded; but we must recollect, that whatever is done in the way of protection for the manufacturers, is a sacrifice to their advantage by the whole people. The interests of this country are in this respect very similar to those of Prussia, of whose tariff I have spoken in No. 3 of the Northern Light, to which I refer on this point.

I coincide, of course, with the truths of political economy, in regard to the subject of free trade; and would consider therefore a revenue tariff as only justifiable, if the artificial condition and policy of other countries, particularly of England, did not disturb the practical application of those truths. I shall here endeavor to give in a few words my solution of this much agitated problem in political economy, viz:—What in this situation a country in favor of free trade ought to do. Many, in their solutions of this—as for instance Say—have advised a strict adherence to the principles of free trade; but I think they have not correctly considered the actual position of England, overruling in manufactures.

If England would receive the raw material of other countries for food, and as a supply for her extensive manufactories, *free from duty*, it would

* In Prussia, a general *ad valorem* duty of ten per cent operates as a sufficient protection and revenue.

be the interest of this country, and of some of the countries of Europe, to produce on their extensive, rich soil *those raw materials*, and to purchase the manufactured goods as cheap as possible, consequently *free of duty*. Then England would naturally be, not only the principal, but also, by the better condition of her laborers, a much more happy manufacturing country for the greater part of the world; to which her industry, her immense manufacturing capital, skill, coal mines, geographical position, etc., seem to have designed her. But until the landed interest of England agrees on better terms with other countries, the latter must seek for a sure home market of their surplus of raw material by artificial home manufactories; but by such means, added to the saving of transportation and duties, as do not cost a greater sacrifice to the people, than the home market for that surplus of raw material benefits the country at large. If under this limitation we will have manufactories, we must consider the great manufacturing capital, machinery, skill, and consequent rapid execution of the demands of consumers, (now so swiftly communicated by steam,) and other advantages which England possesses in advance of other countries in that branch of industry, and then we shall easily perceive, that without protection, other countries just commencing that business cannot grow or be sustained in it, if they are not so situated, like Saxony and Switzerland, that by the cheapness of wages and the abundance and proximity of the material, (as for instance, in Saxony, of wool,) they can undersell the English with an equally good article; in which case no protection is necessary, but would be even injurious, since it would increase the prices of every thing, and consequently of wages and of manufactured articles, so that it would be no longer possible to undersell their English competitors.

ART. VI.—LIGHTS AND SHADOWS OF MERCANTILE LIFE.

I. THE CONFIDENTIAL CLERK.

And, in a word, but even now worth this,
And now worth nothing. Shall I have the thought
To think on this?— *Merchant of Venice.*

"HAVE you heard any thing about those drafts on Pierce and Lanham, Hawkins?" was the inquiry of Mr. Ockham, as he entered his counting-room "after 'change," one day during the spring of 1837.

"Nothing, sir," was the prompt but quiet reply of his confidential clerk, as with a countenance somewhat pale, and a slightly tremulous hand, he laid upon the desk of his employer several bank notices of an early date, and to a large amount.

"Indeed, Hawkins, but that is strange," replied the merchant, in a tone that faltered a little—"what have you there?"

The clerk laid another paper upon the desk, and returned to his labors. That peculiar but expressive stillness, which sometimes pervades the counting-rooms of large mercantile houses, was here broken only by the guarded movements of the clerks, as with clock-work regularity and despatch they answered the various calls from the sales-room. After a moment of anxious suspense, Mr. Ockham again summoned his confidential clerk to his desk.

"Hawkins, what can this mean?" He pointed to a protested note for a very large amount, drawn in his favor, and bearing his own endorsement.

"These are dreadful times, sir," said the clerk, in a deep, anxious tone.

"Well!" added the merchant quickly, and fixing his brilliant but troubled eye upon the countenance of the other.

"I trust indeed, sir, there is some mistake here," replied Hawkins, almost unconsciously.

"Mistake, Hawkins! these men are not apt to make mistakes—impossible."

"What is to be done then, sir?"

"For us, you know, but one thing is to be done, in this case. The paper must be withdrawn from the bank forthwith—can we raise the money?"

The clerk shook his head doubtingly.

"Our friends in Wall-street," replied Mr. Ockham—"it is our last resort, for I looked over the bank account yesterday; and you know we have calculated closely, even for two months to come. Let me see—those drafts—but these are already applied to take care of our own paper."

"True indeed, sir, and my success yesterday was so indifferent that I almost despair of the ordinary sources. The money may be had, perhaps, in Wall-street, at a rate beyond—"

"Never, Hawkins, never. I will not dishonor myself—I will not risk the future reproaches of a conscience which is now clear, by resorting to such desperate and sinful means; for *sinful* they are, and in these times doubly so—when we know not how long we may escape the general overthrow."

"Then, Mr. Ockham," replied the clerk, "we must try our friends once more. I will do my utmost."

"Thank you—be prompt then, for it is now 2 o'clock. I will be at home at eight."

Hawkins put up his books and departed on his mission, with what results an hour was to determine.

* * * * * The evening came. In his quiet family parlor, in the midst of a small but happy domestic circle, which was indeed a *world* to him, sat William Hawkins, relieved for a brief but blissful period from the toils and anxieties of business. But what a different man from him we saw in the morning, in that still, dingy counting-room! The countenance then so pale and anxious was now radiant with smiles, and his eye shone with the innocent and unrestrained gayety of an honest and generous heart. One lovely child, a beautiful little girl of six years, his only child, sat upon his knee. Her innocent prattle had long ago driven away all the grim shadows which haunted his spirit during the day.

"When shall we go live in the country, father?" was one question among the thousand which fell from her lips—new ones being conceived before the old were answered.

"When?" replied the father, turning to his wife with a smile—"why, when the birds come and the flowers."

"Oh, the pretty birds, and the sweet flowers!" exclaimed the happy little girl, throwing her arms around his neck and kissing him—"mother, how glad I am!"

"So am I, my love," replied the mother—exceedingly youthful and in-

teresting in her appearance, but on whose countenance the traces of recent sickness were too plainly visible. "Is it indeed so, William?"

"Yes, my dear; I am now in hopeful treaty for that pleasant little place at Ravenswood, which we visited last summer, and should have concluded the purchase some days ago, as I told you, had I not been terrified at what I still consider an extravagant price. But I think we shall get it on such terms as we can afford. Nay, Mary, I ought to pay any price within my means, when the restoration of your health is in question."

"Thank you, my dear, you are too kind!" and she bent over the book she was reading, that her husband might not see the grateful tears that were starting to her eyes.

The mantel-clock struck the hour for family worship. William Hawkins sat down to the scriptures, and after a chapter feelingly read, he offered up, as the priest of the little household which God had committed to his keeping, the simple but eloquent prayers which his church had provided.

"Mother," said little Emily, as her mother took her hand, in preparation for retiring, "will it be any harm if I dream about our country-house to-night?"

"No, my dear," replied the mother, "but you must not forget your prayers, for God will bless only those that love and serve him."

The little girl clambered upon her father's knee to receive his parting kiss, and in a few moments she left the room with her mother.

A note had been left upon the table by the servant on retiring from prayers, which he now opened. A sickly change came over his countenance as he read the contents. The negotiation for funds, which he had considered as almost settled at three o'clock, could not be effected.

"What is the matter, my dear?" said his wife, as she took her seat by his side. He raised his head from his hands, and sighed deeply.

The cause of his trouble was soon explained.

"What *can* we do, Mary?" he added. "I have tried every source, and ten thousand dollars are yet wanting. These are awful times, and I fear for the result. We were prepared for some disappointment, but this is crushing. Had *I* the money—"

The pale face of his wife became suddenly illuminated with a beautiful enthusiasm.

"William, you *have*—you have *all* that is needed."

Hawkins looked at her for a moment, and the glow began to kindle upon his own cheek. He sighed again, as he took her hand and replied, "Noble woman, I understand you, and such a thing may be due to my generous employer. But Mary, think, in these times we risk our all—and then what is to become of our country project?"

"William, I can cheerfully give this up for the present year, if necessary. Let us prove to Mr. Ockham that we are grateful. Remember what we were when he employed you. Nay, William," she added, as her beautiful eyes filled with tears, "let him have it if we lose it all. At the worst, we shall have the income from my aunt's legacy, which will be enough for our simple wants."

"Four hundred dollars, my dear, is—"

"Well, William, have we not lived for years on a less sum?"

"But our daughter—"

Mrs. Hawkins raised her eyes, involuntarily, to heaven. Her husband understood the mute but eloquent appeal. He hesitated no longer.

"My dear, it shall be done, if necessary. A noble benefactor has Mr. Ockham been to us, and he should be served with our best. My hour for calling upon him has arrived. Farewell, I will be at home by nine."

St. John's had just struck eight when the clerk gained entrance to the house of Mr. Ockham. The merchant was in his private chamber, and desired to see him there. As he ascended the stairs he caught a glimpse of a large and happy family circle through the open parlor-door. He scarcely knew why, but his heart sank within him as he passed.

Mr. Ockham was pacing the floor as he entered. He stopped and extended an open letter to his clerk as he entered, saying, as he did so—

"Hawkins, the express has brought me rather an unwelcome gift."

Hawkins saw the contents at a single glance, and grew suddenly pale.

"Dishonored, sir?"

"Dishonored.—Hawkins, there is no trust in *man*." He said this with bitter emphasis. "That and the protest together—but have you succeeded?"

"The Whipples are short themselves, but—"

"But what—come to the point."

"I hope the money can be had."

"Hope—I am sick of hope. Two hopes among the fairest have been blighted in one day. I must have certainties now—or—or—you know the consequence, Hawkins!"

"You misunderstand me, sir. I know that the money can be had. Ten or twelve thousand will cover the demand—it is yours."

"When, and on what terms?"

"It will be subject to your check to-morrow, sir, and as for the terms—" He hesitated.

"The terms—you hesitate—have you been dabbling with the two-percenters? Have you dared, after what I have said this morning—"

"Mr. Ockham!" responded the clerk proudly, and his cheek and brow became suddenly suffused with crimson. There was sorrow, anger, and wounded pride in the unflinching glance with which he met Mr. Ockham's gleaming eye.

"Nay, pardon me," replied the merchant, while his own cheek colored with shame at the ungenerous supposition, "these times try all tempers, and I was hasty—but the terms, man, the terms."

"The terms may be as you please, Mr. Ockham."

"Nay, Hawkins, I can't understand this. Where is the money to come from?"

"It is lodged in the Bank of America, in my name, and I shall transfer it to your account in the morning."

The truth flashed at once upon the mind of the merchant. He knew the other's circumstances—he knew his plans—his cherished desire in regard to the country-house. For the first time he was overcome in the presence of his clerk. He sat down silently, motioning Hawkins to be seated, and more than one large tear appeared on his cheek. The impulses of a generous nature, thoroughly awakened by one artless, but master-touch of sympathy, struggled for a moment with his professional pride, and for a moment only.

"Hawkins, you distress me," he exclaimed: "and will you make this sacrifice, will you—I will not mince matters—incur this hazard for me? No, no, my generous fellow, any thing but that."

"Mr. Ockham," replied the other, "you will give me deep pain if you refuse me. Ten times the sum even, if it should please Him, in whom we both trust, to scatter ruin upon your noble house, could not repay the debt I owe you!"

"But your wife and child. No, William, I cannot think of it."

"My wife, sir, taught me the lesson which I have attempted thus feebly to repeat. Our sleep will be all the sweeter if we know that yours is peaceful. Allow me to speak plainly, Mr. Ockham. I believe before heaven, that it is as much your duty to accept this poor service at my hands, as it is mine to give it. I can never think that it is the will of God that you, nobly useful as you are, should be sacrificed through the recklessness of desperate and unprincipled men, so long as I have an arm to defend you from ruin."

Mr. Ockham made no immediate reply. He arose and paced the floor for a few minutes with hurried steps. At length he returned and took the hand of his clerk.

"William, you must have security. Let my attorney execute a mortgage upon this house; and let it be prepared by ten to-morrow. So, good-night. Nay, no scruples," he added, as he saw the peculiar expression upon the countenance of the other: "does this give you pain—have it then upon your own terms, but let the mortgage be prepared at any rate."

The slumbers of the merchant and his clerk that night were alike peaceful and refreshing. But an angry cloud was gathering in the commercial horizon, with what elements charged we shall see perhaps.

MERCANTILE ENGAGEMENTS.

A man of business, without his diary or engagement book, is like a body without a soul—incapable of action. To have a perfect and complete register of all your engagements for days and weeks to come, is no indifferent matter to any one who desires to be punctual and prepared for them, especially when the means are at hand. One of the first principles with the tradesman should be, *not* to depend upon his recollection for any thing. If orders arrive—if bills are to be paid or received—if appointments are made for any purpose whatever—in fact, if any thing is *to be done*, set it down in writing. To do this, however, with advantage, it must be, like every thing else, done by system; for an irregular and heterogeneous mass of memoranda can be of no use to any one. The arrangement should be such as to insure *prompt* information. For this purpose, prepare a small book ruled with divisions for each day in the week, and arrange the days, dates, and months, according to the nature and extent of your engagements. In this book, enter in advance every appointment that has been made; every thing that has *to be done*; and all moneys that are to be paid or received on particular days. By turning to this diary every morning *regularly*, the business of the day will be at once apparent, and nothing *can*, by any possibility, be forgotten or overlooked.—*Foster*.

MERCANTILE LAW DEPARTMENT.

RECENT DECISIONS IN THE UNITED STATES COURTS.*

TARIFF—GUNNY BAGS.

United States Circuit Court.—(Boston.)—October term, 1841.—*Henry Lee vs. Levi Lincoln, Collector; Peabody vs. the same.*—Both the above actions were brought to recover the duties paid, under protest, on *gunny bags*, charged as *cotton bagging*. It appeared in evidence from several merchants engaged in the East India trade, that gunny, or gunny cloth, was known in commerce by that name previous to the passage of the tariff imposing duties upon cotton bagging—but that gunny cloth and cotton bagging were distinct articles; and an order for cotton bagging would not, in their opinion, have been satisfied by sending gunny cloth. It was further in evidence, that the two articles are appropriated to very similar uses, and that, of late years, gunny cloth has become a very common material for cotton bags, but still was and is considered a distinct article from cotton bagging.

Judge Story instructed the jury that in order to charge gunny bags with the duty to which cotton bagging is subject, it was necessary for the government to show that the articles are the same and not different, and known in commerce by different names. The tariff being an act regulating commerce, its terms were to be construed according to commercial usage and the understanding attached to them among merchants. It was of no consequence that cotton bagging and gunny bags were applied to similar uses, provided they were known in commerce as distinct things, and the commercial sense of the term "cotton bagging" was different from that of "gunny bags." If they believed this to be the case, then gunny bags did not come within the terms of the law imposing a duty on cotton bagging, and were not chargeable with the duty as such.

The jury immediately returned a verdict for the plaintiffs. It is understood that twenty-three other actions, involving the same point, are now pending in the circuit court for the first circuit. The duties have been insisted upon by the collector, under instructions from the treasury department, and paid under protest by the importers.

COLLISION.

United States District Court.—*District of Massachusetts.*—Albert Hersey, libellant, *vs. Steamer North America.*—This was a case of maritime collision, and the facts will sufficiently appear from the decision of Judge Sprague, which was, in substance, as follows:—The collision took place on the night of the 21st of August, about 9 o'clock, near Half-way Rock, off Cape Ann, between the steamer *North America*, bound from Boston to St. Johns, and the sloop *Quincy*, of Hingham, bound from Rockport (near Gloucester) to Boston. The libellants charge that the respondents were in fault and guilty of gross carelessness, while the respondents state that they did not see the sloop, by reason of the darkness, until within a minute and a half before they struck. The steamer, having her steam up, is to be taken to be a vessel sailing with a fair wind, and it is also to be taken that the sloop was not in fact seen in season to avoid her.

The first question is, was there a good look-out kept up on board the steamer? The evidence on this point comes from the captain, mate, and pilot of the steamer. The pilot states that he and the mate were stationed on the upper deck for the express purpose of keeping a good look-out, which they did. The pilot first saw the *Quincy*, and sprang into the wheel-house to assist the helmsman to avoid her. The mate's testimony

* Reported for the Merchants' Magazine, by A. C. Spooner, Esq. of the Boston Bar.

concurs with that of the pilot. Two of the men also say that they were keeping a look-out on the lower deck of the steamer, but did not see the sloop until after they heard the pilot cry out. Here are four witnesses to the point that a good look-out was kept up on board the steamer, and they are uncontradicted. This point is thus far established.

But it is urged by the libellants that the mere fact of the collision, under the circumstances, proves that a proper look-out was not kept up on board the steamer, as the night was a clear, starlit night, and the sloop could have been seen half a mile off. Was this the case? On this point the testimony was exceedingly contradictory. The captain of a vessel which sailed from Rockport about an hour before the Quincy testifies that the night was clear, and not thick or close, and those on board the Quincy state the same; while all on board the steamer concur in testifying the contrary. How can this evidence be reconciled? Two of those on board the sloop state that there was a heavy cloud along the horizon from southwest to northeast. The two vessels were sailing in opposite directions—one rather towards the cloud, the other away from it—and this *may* account for the difference of opinion as to the night. Be this as it may, it does not appear on the whole, that the collision was the result of negligence, but of pure accident, and the libel must be dismissed. But, as the libellants do not seem to have been in fault in bringing it, let it be dismissed without costs.

INTERESTING QUESTION OF COPYRIGHT.

United States Circuit Court.—(Boston.)—Charles Folsom and als. vs. Marsh, Capen, Lyon & Webb, and Upham.—This was a bill in equity, for an injunction upon the firm of Marsh, Capen, Lyon & Webb, booksellers and publishers, and the Rev. Charles W. Upham, the author of a *Life of Geo. Washington*, to restrain them from selling said work, on the ground that it was an invasion of the copyright of "*Sparks' Life and Writings of Washington*," belonging to the plaintiffs.

It appeared from the report of Geo. S. Hilliard, Esq., the master in chancery to whom the matter was referred, that Sparks' work consists of 12 vols. 8vo.—the first containing the *Life*, and the remainder the *Writings of Washington*. The work of defendants consists of 2 vols. 12mo., containing in the whole 790 pages, including a glossary and index of sixteen pages; that 353 pages of defendants' work is taken verbatim from the last eleven volumes of Sparks' work, 319 of which had appeared before in print, and the remainder, though they had been previously printed, yet in the plaintiffs' work they varied from former publications. Of the 353 pages taken, 270 were private letters; the rest, public or official letters, including in this term letters to members of congress and governors of states.

It also appeared that Mr. Sparks had contracted for the use of Washington's papers for publication, with Chief Justice Marshall and Judge Washington, (to whom they belonged,) prior to the commencement of his work, and that subsequently, the original papers of Washington had been purchased by the United States for \$25,000, reserving the rights already granted to Mr. Sparks.

It was contended for the defendants, that these papers were not the subject of copyright—

- 1st. Because they were the manuscripts of a person *deceased*.
- 2d. Because they were not properly *literary* productions.
- 3d. Because they were *public* in their nature.
- 4th. Because they were originally intended for public use.

The second ground taken for defendants was, that the title to these papers was in the United States and not in the plaintiffs.

The third ground assumed was, that, admitting the plaintiffs' copyright in these papers

Mr. Upham's use of the work of Mr. Sparks in compiling his own was a fair, reasonable, and justifiable one.

Judge Story, in a very luminous and able opinion, in which he considers the whole subject of copyright at considerable length, decided the above points as follows :

1st. That the manuscripts of a deceased person pass like other property to his legal representatives, who succeed to all the rights which the author himself had in them.

2d. That these letters, (and the court would not say that *any* letters were not,) were so far literary productions as to be the subject of copyright.

3d. That although some of these letters were of a public character, and might, under certain circumstances, be published without the consent of their writer, yet the rule of law was, that the right of publication belonged exclusively to the writer, and any circumstances which would justify their publication without his consent must be such as would be sufficient to constitute an exception to the general rule.

4th. That these letters were intended for public use, though true in a limited sense, was not true to an extent which would prevent the writer from disposing of them in his lifetime, or by his will, as in this case.

5th. It was not true in the sense urged that the title to these papers was in the government of the United States ; for the sale to the United States was made subsequent and subject to the contract with Mr. Sparks.

6th. That though it was often difficult to draw the line between a justifiable and a piratical use of an author's work, yet, as Mr. Upham's selections had been made with so much skill, and the whole work was likely to be so acceptable to the general reader as greatly to prejudice the sale of Mr. Sparks' work, the court thought it an improper and illegal use of the latter work.

An injunction was accordingly granted to stay entirely the publication of Mr. Upham's work ; but the court refused to order the stereotype plates to be given up to the plaintiffs, saying that this was beyond the power of a court of equity to do.

CHARTER-PARTY.

Isaac W. Arthur and als. vs. Schooner Cassius and owners.—This was a libel against the schooner Cassius and owners, brought by the shippers of a quantity of lumber, to recover damages for a breach of the charter-party. The vessel took the lumber on board at New York, and sailed for Velasco, where it was to have been delivered. On arriving there, the captain, finding his vessel drew too much water to cross the bar, determined to float his cargo ashore in rafts. The consignee at first refused to receive it ; and the captain carried it to New Orleans and sold it there. There was some evidence tending to show that the consignee afterward consented to receive it.

In the district court judgment was given for the defendants, and the libellants appealed.

Judge Story delivered the opinion of the circuit court, to the effect,

1st. That there was no doubt that the respondents were liable in this suit, as the charter-party expressly bound the vessel.

2d. That the burden was on respondents to show a justifiable cause for deviating from the voyage and carrying the cargo to New Orleans and selling it. There was some doubt whether the consignee *did* finally refuse to receive it ; but even if he did, the captain might have landed and stored it, or he might have waited until he could get directions from the shippers ; at any rate, the refusal of the consignee did not create such a necessity as would justify the captain in carrying the cargo to New Orleans, and selling it there.

3d. That the true measure of damages was the value of the lumber at Velasco, deducting duties and charges, and also *the freight of it to Velasco* ; and the case was referred to an assessor to compute the damages agreeably to the above principle.

COMMERCIAL STATISTICS.

COMMERCE OF NEW ORLEANS, FROM 1832 TO 1841.

Statement of the Tonnage of Vessels entered in the Port of New Orleans, during the years 1832 to 1841.

1832—1st quarter,...81,151 00	1837—1st quarter,..118,309 00
2d do. ...71,715 00	2d do. ...98,515 00
3d do. ...30,860 00	3d do. ...39,180 00
4th do. ...69,335 00	4th do. ...117,456 00
253,061 00	373,460 00
1833—1st quarter,...92,506 00	1838—1st quarter,..133,316 00
2d do. ...84,425 00	2d do. ...130,020 00
3d do. ...35,511 00	3d do. ...46,650 00
4th do. ...89,028 00	4th do. ...136,731 00
301,470 00	446,717 00
1834—1st quarter,...96,442 00	1839—1st quarter,..155,987 00
2d do. ...89,046 00	2d do. ...95,842 00
3d do. ...27,147 00	3d do. ...41,182 00
4th do. ...120,400 00	4th do. ...146,394 00
333,035 00	439,405 00
1835—1st quarter,..117,348 00	1840—1st quarter,..148,927 00
2d do. ...90,849 00	2d do. ...152,730 00
3d do. ...41,089 00	3d do. ...65,465 00
4th do. ...109,125 00	4th do. ...182,725 00
358,411 00	549,847 00
1836—1st quarter,...95,630 00	1841—1st quarter,..183,004 00
2d do. ...87,265 00	2d do. ...104,200 00
3d do. ...44,713 00	3d do. ...44,440 00
4th do. ...108,113 00	4th (estima.)190,000 00
335,721 00	521,644 00

Statement of the Tonnage of Vessels cleared from the Port of New Orleans, during the years 1832 to 1841.

1832—1st quarter,...86,159 00	1837—1st quarter,..139,983 00
2d do. ...93,031 00	2d do. ...118,668 00
3d do. ...41,348 00	3d do. ...53,613 00
4th do. ...46,979 00	4th do. ...73,139 00
267,517 00	385,403 00
1833—1st quarter,..103,637 00	1838—1st quarter,..163,732 00
2d do. ...96,996 00	2d do. ...133,258 00
3d do. ...35,105 00	3d do. ...60,721 00
4th do. ...55,260 00	4th do. ...74,718 00
290,988 00	432,429 00
1834—1st quarter,...98,305 00	1839—1st quarter,..154,321 00
2d do. ...118,242 00	2d do. ...170,387 00
3d do. ...39,564 00	3d do. ...51,193 00
4th do. ...71,142 00	4th do. ...108,030 00
327,253 00	483,931 00
1835—1st quarter,..129,529 00	1840—1st quarter,..193,136 00
2d do. ...119,639 00	2d do. ...153,352 00
3d do. ...46,279 00	3d do. ...76,320 00
4th do. ...58,033 00	4th do. ...119,429 00
353,480 00	542,237 00
1836—1st quarter,..118,747 00	1841—1st quarter,..182,901 00
2d do. ...113,906 00	2d do. ...176,206 00
3d do. ...54,029 00	3d do. ...58,862 00
4th do. ...77,819 00	4th (estima.)100,000 00
364,501 00	517,969 00

Statement of the Value of Goods, Wares and Merchandise, of the Growth, Produce and Manufacture, of the United States and Foreign Countries, exported from the City of New Orleans, from 1832 to 1841; as compiled at the customhouse, New Orleans, for the Merchants' Transcript.

DURING THE YEAR.	GOODS, WARES, ETC., PRODUCE OF THE U. S.			FOREIGN MANUFACTURES.	
	Coastwise.	For'gn Ports. In Amer. ves.	For'gn Ports. In For. ves.	In American vessels.	In Foreign vessels.
1832—1st quarter,.....	3,304,277	2,065,427	1,453,029	183,430	225,314
2d "	2,823,167	4,009,522	2,034,645	420,159	266,475
3d "	1,118,230	1,890,586	561,545	319,976	88,670
4th "	1,811,940	2,167,240	772,634	454,286	84,588
	9,057,614	10,132,775	4,821,853	1,377,851	665,047
1833—1st quarter,.....	3,638,554	2,271,969	1,598,331	656,931	185,497
2d "	3,586,563	3,507,360	1,903,536	859,532	170,580
3d "	1,114,364	463,100	630,668	225,806	124,896
4th "	1,590,605	4,064,339	1,179,304	304,275	116,827
	9,930,086	10,306,769	5,311,839	2,045,754	597,800
1834—1st quarter,.....	3,753,691	3,698,051	1,519,204	469,644	276,766
2d "	2,792,939	8,168,178	3,098,898	309,697	611,954
3d "	1,282,098	754,406	1,131,021	411,355	460,338
4th "	3,086,832	6,057,007	826,904	325,317	727,087
	10,915,560	18,677,642	6,576,027	1,516,015	2,076,145
1835—1st quarter,.....	6,065,344	7,395,195	3,427,459	621,631	747,650
2d "	4,764,012	7,537,819	2,340,126	745,088	923,289
3d "	1,572,863	2,888,628	753,944	351,564	573,569
4th "	1,131,704	4,990,159	491,321	420,636	379,981
	13,533,923	22,811,792	7,012,850	2,138,919	2,624,489
1836—1st quarter,.....	4,771,070	7,829,868	3,275,508	1,201,554	502,813
2d "	5,544,379	7,597,543	3,561,511	1,286,096	216,832
3d "	1,948,953	3,650,223	830,577	786,672	158,955
4th "	2,851,303	8,445,898	904,939	982,861	102,698
	15,115,705	27,523,532	8,572,535	4,257,183	981,298
1837—1st quarter,.....	6,396,490	10,296,157	2,318,895	709,930	229,360
2d "	3,495,614	5,820,285	1,340,669	711,055	358,911
3d "	2,132,450	2,021,511	397,921	660,865	41,925
4th "	2,885,839	6,000,000	1,500,000	316,655	38,932
	14,910,393	24,137,933	5,557,485	2,398,505	669,128
1838—1st quarter,.....	5,203,000	11,013,599	1,932,776	373,851	92,101
2d "	4,209,268	8,094,844	934,261	208,893	127,730
3d "	1,918,752	3,050,452	660,069	193,311	73,241
4th "	3,178,293	3,534,216	435,078	266,752	96,244
	14,509,313	25,693,111	3,962,184	1,042,807	389,316
1839—1st quarter,.....	8,357,788	7,860,850	2,007,478	638,089	156,267
2d "	8,036,736	10,734,903	3,703,328	364,037	153,271
3d "	2,291,944	2,302,850	417,203	334,287	176,284
4th "	3,274,401	6,798,431	754,678	230,571	52,206
	21,960,859	27,697,064	6,882,687	1,566,984	538,028
1840—1st quarter,.....	4,393,800	8,953,603	2,479,646	326,530	114,390
2d "	3,882,393	6,961,224	2,118,956	265,502	75,271
3d "	2,998,141	4,469,549	461,972	137,206	37,203
4th "	4,000,442	5,818,521	514,733	287,962	37,791
	15,274,776	26,202,897	5,575,307	1,017,200	264,655
1841—1st quarter,.....	6,765,383	6,608,628	3,186,821	337,533	79,956
2d "	4,782,468	10,603,979	2,734,854	201,221	141,066
3d "	2,122,011	3,040,532	357,577	185,338	250,998
4th (estimated)	5,773,925	8,606,303	2,960,837	269,372	110,511
	19,443,787	28,859,442	9,240,089	993,464	582,531

RECAPITULATION OF THE FOREGOING TABLE.

Years.	In Amer. ves.	In For. ves.	Years.	In Amer. ves.	In For. ves.
1832	\$24,012,242	\$2,042,898	1833	\$56,540,610	\$2,105,012
1833	25,548,694	2,643,554	1840	47,052,980	1,281,855
1834	36,169,229	3,592,160	1841 (estimated)	57,543,318	1,575,995
1835	43,358,565	4,763,408			
1836	51,211,772	5,238,481		430,207,849	27,743,119
1837	44,605,831	3,067,633	Foreign vessels,	27,743,119	
1838	44,164,608	1,432,123			
Grand total exported,.....			\$457,950,968		

COTTON CROP OF THE UNITED STATES.

Statement and Total Amount of the Growth, Export, Consumption, etc., of Cotton, for the year ending 30th September, 1841.

Business of the Commercial Year of 1841.	Bales.	Bales.	TOTAL.			
			1841.	1840.		
NEW ORLEANS.						
Export—To foreign ports,.....	656,816	851,840	813,595	946,905		
Coastwise,.....	161,448					
Burnt and damaged,.....	2,000					
Stock on hand, 1st October, 1841,.....	31,576					
Deduct—Stock on hand, 1st October, 1840,.....	27,911	38,245			1,085	6,767
Received from Mobile,.....	5,418					
do. do. Florida,.....	508					
do. do. Texas,.....	4,408					
MISSISSIPPI.						
Export from NATCHEZ, &c. :—						
Coastwise, (Remainder included in New Orls.)						
ALABAMA.						
Export from MOBILE—						
To foreign ports,.....	216,239	323,077	320,701	445,725		
Coastwise,	103,837					
Burnt and lost,	1,170					
Stock in Mobile, 1st October, 1841,.....	1,831					
Deduct—		2,376			93,552	136,257
Stock in Mobile, 1st October, 1840,.....	1,737					
Received from Florida,.....	486					
do. do. Texas,.....	153					
FLORIDA.						
Export—To foreign ports,.....	32,297	93,852			93,552	136,257
Coastwise,.....	59,555					
Burnt and lost,.....	1,400					
Stock on hand, 1st October, 1841,.....	600					
Deduct—Stock on hand, 1st October, 1840,.....		300				
GEORGIA.						
Export from SAVANNAH—						
To foreign ports—Uplands,.....	80,496	142,875				
Sea Islands,.....	5,100					
Coastwise—Uplands,.....	56,412					
Sea Islands,.....	867					
	142,875					

GROWTH, EXPORT, CONSUMPTION, ETC., OF COTTON, FOR 1841.—Continued.

<i>Business of the Commercial Year of 1841.</i>	<i>Bales.</i>	<i>Bales.</i>	TOTAL.	
			1841.	1840.
<i>From DARIEN—</i>				
<i>Bro't forward,</i>	142,875			
To New York,.....	5,630			
Burnt,.....	600			
Stock in Savannah, 1st October, 1841,.....	1,456			
do. Augusta and Hambro', 1st Oct., 1841,	4,127			
		154,688		
<i>Deduct—</i>				
Stock in Savannah and Augusta, 1st Oct., 1840,.....		5,741		
			148,947	292,693
SOUTH CAROLINA.				
<i>Export from CHARLESTON—</i>				
To foreign ports—Uplands,.....	149,272			
Sea Islands,.....	12,991			
Coastwise—Uplands,.....	62,989			
Sea Islands,.....	970			
	226,222			
<i>From GEORGETOWN—</i>				
To New York,.....	12,043			
Burnt and lost,.....	750			
Stock in Charleston, 1st October, 1841,.....	3,708			
<i>Deduct—</i>				
Stock in Charleston, 1st October, 1840,.....	4,153			
Received from Savannah,.....	9,562			
do. do. Florida and Key West,.....	1,608			
		15,323		
			227,400	313,194
NORTH CAROLINA.				
<i>Export—All coastwise,.....</i>	7,765			
Stock on hand, 1st October, 1841,.....	300			
		8,065		
<i>Deduct—Stock on hand, 1st October, 1840,.....</i>		200		
			7,865	9,394
VIRGINIA.				
<i>Export—To foreign ports,.....</i>	4,732			
Coastwise,.....	4,500			
Manufactured,.....	15,000			
Stock on hand, 1st October, 1841,.....	420			
		24,652		
<i>Deduct—Stock on hand, 1st October, 1840,.....</i>	900			
Received from southern ports,.....	2,952			
		3,852		
			20,800	23,650
Receiv'd at Philadelphia and Baltimore, over'lnd,.....			1,000	3,250
TOTAL CROP OF THE UNITED STATES,.....			1,634,945	2,177,835
Total crop of 1840,.....bales 2,177,835				
Total crop of 1841, as above,..... 1,634,945				
Decrease, in 1841,..... 542,890				

GROWTH OF COTTON IN THE UNITED STATES, IN EACH YEAR FROM 1824 TO 1841.

Crop of 1824-5	6,560,000	Crop of 1830-1	6,103,848	Crop of 1836-7	6,142,930
“ 1825-6	710,000	“ 1831-2	987,477	“ 1837-8	1,801,497
“ 1826-7	937,000	“ 1832-3	1,070,438	“ 1838-9	1,360,532
“ 1827-8	712,000	“ 1833-4	1,205,394	“ 1839-40	2,177,835
“ 1828-9	857,744	“ 1834-5	1,254,328	“ 1840-1	1,634,945
“ 1829-30	976,845	“ 1835-6	1,360,725		

EXPORT TO FOREIGN PORTS, FROM 1ST OCTOBER, 1840, TO 30TH SEPTEMBER, 1841.

EXPORTED FROM	To Great Britain.	To France.	To N. of Europe.	Oth. For. Ports.	TOTAL.
New Orleans,.....	427,472	182,310	10,091	36,943	636,816
Mississippi, (Natchez)*.....					
Alabama,.....	149,854	57,204	4,357	4,824	216,239
Florida,.....	20,113	11,349	740	95	32,297
Georgia, (Savannah and Darien,)....	82,842	2,283		471	85,596
South Carolina,.....	101,564	35,886	22,305	2,520	162,275
North Carolina,.....					
Virginia,.....	2,800	1,724	150	58	4,732
Baltimore,.....	177		40		217
Philadelphia,.....	1,556	11	138	229	1,934
New York,.....	71,696	57,847	16,315	3,711	149,569
Boston,.....	668	162	2,143	629	3,602
* Included in exports from New Orleans.					
TOTAL,.....	858,742	348,776	56,279	49,480	1,313,277
To Gt. Britain. To France. To N. of Europe. Oth. For. Ports. Total.					
Export in 1840,.....	1,246,791	447,465	103,232	78,515	1,876,003
Export in 1841,.....	858,742	348,776	56,279	49,480	1,313,277
Decrease in 1841,....	388,049	98,689	46,953	29,035	562,726

CONSUMPTION.

Total crop of the United States for 1841, as before stated,.....1,634,945 bales.

Add—Stocks on hand at the commencement of the year,

(1st Oct. 1840.)—In the southern ports,.....40,942

do. In the northern ports,.....17,500

58,442

Makes a supply of.....1,693,387

Deduct therefrom—The export to foreign ports,.....1,313,277

Less Texas and other foreign,.....5,900

1,307,377

Stocks on hand at the close of the year,

(1st Oct. 1841.)—In the southern ports,.....44,018

do. In the northern ports,.....38,050

82,068

Burnt and lost at New Orleans,.....2,000

" " Mobile,.....1,170

" " Apalachicola,.....1,400

" " Savannah,.....600

" " Charleston,.....750

" " New York,.....734

6,654

1,396,099

Quantity consumed by and in the hands of manufacturers, 1840–41,.....bales 297,288

do. do. do. 1839–40,.....295,193

do. do. do. 1838–39,.....276,018

do. do. do. 1837–38,.....246,063

do. do. do. 1836–37,.....222,540

do. do. do. 1835–36,.....236,733

do. do. do. 1834–35,.....216,888

do. do. do. 1833–34,.....196,413

do. do. do. 1832–33,.....194,412

do. do. do. 1831–32,.....173,800

do. do. do. 1830–31,.....182,142

do. do. do. 1829–30,.....126,512

do. do. do. 1828–29,.....118,853

do. do. do. 1827–28,.....120,593

do. do. do. 1826–27,.....103,483

It will be seen that we have deducted from the New Orleans statement, the quantity received at that port from Texas—Texas being a foreign country.

Our estimate of the quantity taken for consumption, does not include any cotton manufactured in the states south and west of Virginia, nor any in that state, except in the vicinity of Petersburg and Richmond.

Of the *new* crop, now gathering, about 32,000 bales were received previous to the 1st December, 1841; of which 28,175 were received at New Orleans.

It is our intention hereafter to make up our statement of the crop to the 1st September, in conformity with the plan adopted in the southern ports.—*Shipping & Com. List.*

TONNAGE OF THE UNITED STATES, FROM 1789 TO 1815.

We published in this magazine, for December, 1841, a comparative view of the registered, enrolled, and licensed tonnage of the United States, from 1815 to 1840 inclusive, from the annual report of the Secretary of the Treasury. The following table, compiled with care from the American state papers, exhibits a comparative view of the tonnage of the United States, from 1789 to 1815, which, in connection with the table above referred to, furnishes a complete view of American tonnage from 1789 to 1840. We purpose in future numbers of the Merchants' Magazine to exhibit in the mercantile tables the statistics of the United States, as connected with its commerce and navigation, so that the volumes of this work will embrace a mass of American commercial statistics, for easy and ready reference, to be found in no other single work.

Years.	TONS AND 95THS.			Years.	TONS AND 95THS.		
	Registered.	Enrolled.	Total.		Registered.	Enrolled.	Total.
1789	123,893 00	68,607 00	201,562 00	1803	597,157 05	268,676 12	949,147 44
1790	346,254 00	103,775 00	478,562 00	1804	672,530 18	286,840 01	1,042,403 96
1791	363,110 00	106,494 00	502,146 00	1805	749,341 22	301,366 38	1,140,368 93
1792	411,438 00	120,957 00	564,437 00	1806	808,284 68	309,977 05	1,208,735 50
1793	367,734 23	114,853 10	491,780 50	1807	848,306 85	318,189 93	1,268,548 42
1794	438,862 71	167,227 42	628,816 99	1808	769,053 54	387,684 43	1,242,595 12
1795	529,470 63	164,795 91	747,963 92	1809	910,059 23	371,500 56	1,350,281 26
1796	576,733 25	195,423 64	831,900 86	1810	984,269 05	371,114 12	1,424,683 27
1797	597,777 43	214,077 05	876,912 80	1811	768,852 21	386,258 70	1,232,542 39
1798	603,376 37	227,343 79	898,328 26	1812	760,624 40	443,180 75	1,269,997 36
1799	669,197 19	220,904 46	946,408 45	1813	674,853 44	433,404 87	1,166,628 56
1800	669,921 35	245,299 04	972,492 04	1814	674,632 63	425,713 59	1,159,208 89
1801	718,549 60	246,255 34	1,033,218 90	1815	854,294 74	435,066 87	1,368,127 78
1802	560,380 63	260,543 16	892,101 43				

ARRIVALS AT AND CLEARANCES FROM THE PORT OF BOSTON, 1841.

MONTHS.	ARRIVALS.						CLEARANCES.					
	Ships	Brks.	Brgs	Schrs	Sl'ps.	Total	Ships	Brks.	Brgs	Schrs	Sl'ps.	Total
January,.....	25	27	68	122	8	250	27	30	59	78	3	197
February,.....	15	10	39	137	2	203	23	20	49	79	2	173
March,.....	47	24	96	203	16	386	28	23	80	141	11	283
April,.....	21	27	84	356	14	502	33	23	78	199	8	341
May,.....	16	25	113	420	21	595	18	25	93	315	15	466
June,.....	21	21	138	529	21	730	17	23	106	296	11	453
July,.....	29	24	144	553	24	774	29	24	121	316	9	499
August,.....	28	24	112	433	16	613	15	15	99	278	17	424
September,.....	31	30	151	467	21	700	21	25	94	279	16	435
October,.....	23	31	93	465	16	628	41	31	97	297	19	485
November,.....	14	21	93	432	11	571	39	35	92	201	9	376
December,.....	19	19	96	224	7	365	16	30	80	144	8	278
TOTAL,.....	289	283	1227	4341	177	6317	307	304	1048	2623	128	4410
Coastwise,.....	115	133	643	3506	177	4574	203	180	546	1784	128	2841
Foreign,.....	174	150	584	835	000	1743	104	124	502	839	000	1569

Of the foreign arrivals, 1 ship, 10 barks, 73 brigs, and 587 schooners were British; 1 bark and 4 brigs, Sicilian; 1 brig, Spanish; 1 bark, 2 brigs and 1 schooner, Hamburgese; 1 schooner, Prussian; 4 barks and 6 brigs, Swedish; 1 brig and 1 schooner, Danish; 1 brig, Russian; 1 brig, Dutch, (galliot;) in all, 696 foreign vessels.

Of the foreign clearances, 1 ship, 8 barks, 78 brigs, and 585 schooners were British; 1 bark and 4 brigs, Sicilian; 1 brig, Spanish; 1 bark, 2 brigs and 1 schooner, Hamburgese; 1 schooner, Prussian; 4 barks and 6 brigs, Swedish; 1 brig and 1 schooner, Danish; 1 brig, Russian; 1 brig, Dutch, (galliot;) in all, 697 foreign vessels. There appears to be about 1700 more coastwise clearances than arrivals, which is caused by many vessels sailing under a coasting license, and never clear at the customhouse at all.

COMMERCE AND NAVIGATION OF BOSTON.

BOSTON IMPORTS IN 1841.

Statement of the quantity of Coal, Cotton, Flour, Grain, Hides, Molasses, Tea, and Wine imported into Boston, in 1841.

COAL.			From—	FLOUR.	Barrels.
From—	Tons.	Bushels.	New York,.....		289,114
Philadelphia,.....	92,838	.....	Albany,.....		76,691
Kingston,.....	5,283	.....	Kingston,.....		34
Rondout,.....	10,360	.....	Baltimore,.....		62,740
Other places,.....	1,942	.....	New Orleans,.....		62,834
Richmond,.....		124,041	Fredericksburg,.....		31,900
Total,.....	110,432	124,041	Richmond,.....		17,031
In 1840.....	73,847	92,370	Georgetown,.....		18,016
1839.....	90,485	144,475	Alexandria,.....		12,962
1838.....	71,364	107,625	Petersburg,.....		5,002
1837.....	80,557	109,275	Norfolk,.....		676
			Philadelphia,.....		42,893
			Ports in Delaware,.....		1,027
			New Jersey,.....		100
			Connecticut,.....		458
			Massachusetts,.....		2,070
			New Hampshire,.....		70
			Maine,.....		619
			Total barrels,.....		574,233
			In 1840,.....		550,359
			1839,.....		451,667
			1838,.....		379,704
			1837,.....		423,246

COTTON.

	Bales.
Received during 1841,.....	131,609
In 1840,.....	138,709
1839,.....	94,361
1838,.....	96,636
1837,.....	82,684

GRAIN.

The quantity of grain imported, during 1841, was—

	Corn.	Oats.	Rye.
From New Orleans,..... bushels	36,733	.....	280
Charleston,.....	3,000	.....	.....
North Carolina,.....	71,594	.....	.....
Fredericksburg,.....	162,691	.....	.....
Norfolk,.....	160,870	2,420	.....
Rappahannock,.....	50,685	.....	.....
Other ports in Virginia,.....	83,114	1,590	.....
Baltimore,.....	537,956	9,791	700
Delaware,.....	111,956	34,360	.....
Philadelphia,.....	559,511	98,069	2,916
New Jersey,.....	50,645	29,058	.....
New York,.....	194,404	88,140	28,232
Albany,.....	12,792	5,091	1,000
Other ports in New York,.....	7,000	6,700	1,000
Ports in Connecticut,.....	500	2,000	.....
Rhode Island,.....	500	.....	.....

	<i>Corn.</i>	<i>Oats.</i>	<i>Rye.</i>
From Massachusetts,.....bushels	13,000	6,000	.....
New Hampshire,.....	.....	3,000	.....
Maine,.....	.....	68,360	.....
Prince Edward Island,.....	.....	7,328	.....
Total bushels,.....	2,045,224	356,502	34,028
In 1840,.....	1,834,861	472,296	48,025
1839,.....	1,607,492	439,140	48,604
1838,.....	1,574,038	443,657	102,473
1837,.....	1,725,436	405,173	86,391
HIDES. 1841. 1840.		TEA.	Chests.
Hides, total,.....	432,481 205,909	In 1841, equal to.....	113,152
Horse Hides,.....	5,860 1,071	1840, ".....	254,000
Calcutta Cow & Buff., bales, 936	3,552	1839, ".....	118,000
Hair Seal Skins,.....	70,100 27,393	1838, ".....	183,220
MOLASSES. Hhds.		1837, ".....	197,804
Foreign, equal to.....	64,105	1836, ".....	215,000
Coastwise, equal to.....	9,886	1835, ".....	167,906
Total, in 1841,.....	73,991	1834, ".....	228,944
In 1840,.....	78,062	WINE.	
1839,.....	79,546	Packages. Gallons.	
1838,.....	72,267	In 1841,.....	9,677 353,724½
1837,.....	65,660	1840,.....	12,460 374,741

The following tables, compiled with care for the Boston Evening Gazette, will show the number of foreign and coastwise arrivals and clearances at the port of Boston in each of the last twelve years; also, the value of foreign imports and exports for the same series of years.

Year.	NAVIGATION.					COMMERCE.	
	FOREIGN.		COASTWISE.		TOTAL.	Imports.	Exports.
	Arrivals.	Clearances.	Arrivals.	Clearances.			
1830	642	567	2938	2216	6363	\$8,348,613	\$5,180,178
1831	766	684	2946	2298	6694	13,414,809	5,896,092
1832	1064	943	3538	2611	8156	15,760,512	10,107,768
1833	1066	939	4024	2848	8877	17,853,446	8,062,219
1834	1156	1002	3527	2477	8162	15,514,700	7,309,761
1835	1302	1225	3879	2900	9306	18,643,800	7,952,346
1836	1452	1326	3944	2927	9649	25,898,955	8,475,313
1837	1591	1381	4000	2506	9478	15,027,837	7,836,270
1838	1313	1124	4018	2901	9356	13,464,580	7,036,882
1839	1553	1381	4251	2803	9988	18,409,159	8,013,536
1840	1628	1362	4406	2815	10211	14,122,319	8,405,314
1841	1791	1581	4574	2841	10787	19,250,000	9,333,154

The coastwise arrivals and clearances, in the above statement, do not include those vessels which arrive and depart with domestic merchandise exempted from entry or clearance at the customhouse; the number of this class of vessels is estimated to exceed 2500 annually.

The arrivals from foreign ports at Boston, from 1790 to 1800, averaged per year,	569 ves.
" " " 1800 to 1810, " "	789 "
" " " 1810 to 1820, " "	610 "
" " " 1820 to 1830, " "	787 "
" " " 1830 to 1835, " "	1199 "
" " " 1835 to 1841, " "	1473 "

By the above statement it will be seen that the arrivals at Boston, both foreign and coastwise, for the past year, far exceed that of any former year. It will also be seen that the increase of exports at the port of Boston, the past year, is over \$900,000.

COMPARATIVE ANNUAL PRODUCTIONS OF NEW YORK AND MASSACHUSETTS.

	New York.	Massachusetts.
Flour,.....barrels	3,000,000	20,000
Swine,.....number	9,916,953	90,335
Sheep,.....“	5,381,225	343,390
Wheat,.....bushels	11,853,507	101,178
Oats,.....“	20,728,739	1,226,300
Indian Corn,.....“	11,055,145	1,775,073
Rye,.....“	2,984,913	453,705
Neat Cattle,.....number	2,202,438	278,737
Wool,.....pounds	14,073,124	1,000,000
Manufactures of Leather,....value	\$1,200,000	\$14,994,095
“ Cotton,....“	3,561,437	17,409,001
“ Wool,.....“	3,419,224	10,399,807
Fisheries,.....“	1,200,000	7,592,392

New York contains an area of 45,658 square miles, with a population of 2,428,921 souls; and Massachusetts an area of 7,800 miles, and a population of 737,699 souls.

CONSUMPTION OF DOMESTIC PRODUCE IN THE CITY OF NEW YORK.

The following is an approximate estimate of the annual amount of sales of articles of country produce in the city of New York, for the consumption of the inhabitants:—

Fresh Beef,.....	\$1,470,000	Butter, Cheese, and Lard,.....	\$1,500,000
“ Veal,.....	365,000	Flour, Meal, and oth. B'dstuffs,	3,000,000
“ Mutton and Lamb,.....	335,000	Hay and Oats,.....	750,000
“ Pork,.....	600,000	Fuel, (wood and coal) exclu- } sive of steam fuel,.....	2,500,000
“ Poultry, Game, Eggs, &c.	1,100,000	Articles not enumerated,.....	580,000
Salted Beef, Pork, and Hams,	1,200,000		
Vegetables and Fruit,.....	1,200,000		
Milk,.....	1,000,000		
		TOTAL,.....	\$15,600,000

The above is not intended to include building materials.

NAVIGATION OF NEW YORK.

The annexed statement of arrivals at the port of New York from foreign countries, in the year 1841, and of the total number of arrivals and passengers, for the last seven years, was prepared by Mr. Thorn, of the revenue department, and may be relied upon for its accuracy. Compared with the commerce of 1840, there is an increase of 91 American vessels, 27 British, 15 Swedish, 4 Dutch, 3 Danish, &c. Of French vessels there are eight less than in 1840:—

American ships, 452	Swedish...schrs., 1— 49	Norweg'n brigs, 3— 7
“ barks, 132	Sicilian...ships, 1	Colomb'n brigs, 7
“ brigs, 631	“ barks, 1	“ schrs., 2— 9
“ schrs., 348—1563	“ brigs, 7	Neapoli'n barks, 1
British.....ships, 16	“ schrs., 1— 10	“ brigs, 2— 3
“ steamships, 7	Dutch.....barks, 2	Portug'se...schrs., 2— 2
“ barks, 39	“ brigs, 3	Prussian...ships, 1
“ brigs, 181	“ galliots, 7	“ barks, 1
“ schrs., 91— 334	“ schrs., 3— 15	“ brigs, 5— 7
French.....ships, 3	Hamburg...ships, 5	Genoese...brigs, 1— 1
“ barks, 7	“ barks, 7	Brazilian...brigs, 1— 1
“ brigs, 19— 29	“ brigs, 3— 15	Venezuel. brigs, 3
Bremen.....ships, 10	Danish.....ships, 2	“ schrs., 2— 5
“ barks, 22	“ barks, 1	Haytian...brigs, 2— 2
“ brigs, 11	“ brigs, 8	Sardinian barks, 1
“ schrs., 1— 44	“ schrs., 1— 12	“ brigs, 2— 3
Spanish...schrs., 2— 2	Austrian...ships, 1	Greek.....brigs, 1— 1
Swedish...ships, 5	“ barks, 1	Italian.....brigs, 1— 1
“ barks, 20	“ brigs, 1— 3	
“ brigs, 23	Norweg'n barks, 4	
		TOTAL,.....2118

Whole number of passengers from foreign ports, in 1841, 57,377; of whom 4041 were

cabin passengers. The following statement shows the number of arrivals and passengers in different years :—

Year.	Arrivals.	Passengers.	Year.	Arrivals.	Passengers.
In 1835,.....	2,094.....	35,303	In 1839,.....	2,159.....	48,152
1836,.....	2,293.....	60,541	1840,.....	1,953.....	62,797
1837,.....	2,071.....	57,975	1841,.....	2,118.....	57,337
1838,.....	1,790.....	25,581			

TRADE OF FRANCE WITH THE LEVANT.

One of the French Carlist papers, in the course of some speculations on the "monopoly" contemplated by England of the route by the isthmus of Suez, and of the shores of the Red Sea, and of the loss of French influence in the East, gives the following particulars of the past and present state of the commercial relations of France in the Levant. Marseilles, it is observed, had formerly the monopoly of the trade of the east. From 1765 to 1792, the average exports of Marseilles amounted to 60,000,000 livres—that of imports to 78,180,000. The Levant trade figured in these two sums for 21,500,000 in imports, and 37,680,000 in exports; that is, for more than five twelfths of imports, and for more than six twelfths of exports. These values have never been obtained since the last-named year, when the great revolution was in full progress. But of late, and since the peace, down to last year, the trade had resumed an ascending movement. In 1832, the value of the exports was 16,758,635*l.*, and of the imports 23,874,830*l.* In 1839, the exports for Turkey were 43,453,976*l.*, and the imports 15,554,392*l.*, according to the official returns. Upon the total of the last sums indicated Egypt enters for—exports, 2,991,339*l.*; imports, 3,516,853*l.* In the years preceding, it is stated, when Mehemet Ali was unmolested by the allied powers, the commerce of France with Egypt had reached the amounts 5,018,478*l.* of imports, and 3,393,615*l.* of exports. In the general statement Syria appears for—exports about 4,000,000*l.*, imports 6,000,000*l.* So that Egypt and Syria furnished about one seventh of the commodities imported from Turkey, and absorbed about one half those exported into the Levant. The port of Marseilles employed in the trade with Syria from 16 to 20 vessels, of 120 to 220 tons each, which were freighted in the following proportions :—two thirds for Beyrout, half for Aleppo, and one quarter for Tripoli. These vessels exported cochineal, bales of cloth, mercery, colonial produce, spices, silks and drugs. The returns were composed of wax, gall nuts, cotton, saffron, Indian goods, gold and silver stuffs, and fine pearls. "It is to be remarked," observes the writer, "that the cloths of all kinds, which are the product of certain manufactories in the south which work exclusively for the Levant, constitute at least eleven twelfths of our exports from Syria; these manufactories now find themselves in competition with English manufacturers, who, as is well known, have the *laudable* habit of inundating with their merchandise every country which their shipping visits." The trade of Egypt with Marseilles, which at certain epochs gave employment to as many as 90 vessels, is at present carried on by a number fluctuating between 50 and 20, according to the quantity of the cotton crop, which forms the chief portion of the import.

BRITISH HOME CONSUMPTION OF FOREIGN AND COLONIAL WHEAT.

An account has lately been published by order of the British house of commons, showing the quantities of foreign and British colonial wheat entered for home consumption from the passing of the act 9, Geo. IV., cap. 60, on the 15th of July, 1828, to the 5th of Jan., 1841. The total quantity of foreign wheat during this whole period was 11,322,085 qrs., and the quantity of wheaten flour 3,768,335 cwt. The quantity entered at 1*s.* duty is 3,907,981 quarters of wheat, and 1,276,731 cwt. of flour, while 2*s.* 8*d.* makes a decline to 2,788,277 qrs. of wheat, and 837,406 cwt. of flour. The total amount of colonial wheat during the entire period was 523,265 qrs. wheat, and 1,023,805 cwt. flour.

STATISTICAL VIEW OF THE WHALE FISHERY OF THE U. S. IN 1841.

A Table, showing the Arrivals of Shipping engaged in the Whale Fishery at the different Ports, and the number of Barrels of Sperm and Whale Oil imported into the United States, in 1841.

PORTS OF ARRIVAL.	<i>Ships and Barks.</i>	<i>Brigs.</i>	<i>Schooners.</i>	<i>Barrels. Sperm.</i>	<i>Barrels. Whale.</i>
New Bedford,.....	48	7	2	54,860	49,550
Nantucket,.....	21	2	1.....	39,891	3,405
Fairhaven,.....	13	0	0.....	8,280	18,450
Dartmouth,.....	1	0	0.....	2,200	.....
Westport,.....	3	3	0 : :	3,180	.....
Mattapoisett and Sippican,...	2	6	0 : :	2,280	79
Wareham,.....	0	3	0.....	1,430	220
Edgartown,.....	2	1	0.....	3,169	50
Holmes' Hole,.....	1	0	0.....	500	1,200
Fall River,.....	2	0	0.....	950	900
Newburyport,.....	1	0	0.....	400	400
Plymouth,.....	0	1	3.....	500	13
Salem,.....	1	0	0.....	275	1,300
Boston,.....	2	5	0 : :	6,216	1,000
Falmouth,.....	1	0	0 : :	1,300	379
Provincetown,.....	0	5	1.....	1,025	40
Newport,.....	1	2	0.....	2,297	25
Bristol,.....	3	3	0.....	2,930	175
Warren,.....	5	1	0	3,115	5,300
Providence,.....	3	0	0.....	1,670	7,350
New London,.....	15	1	2.....	4,115	27,890
Stonington,.....	3	0	0.....	1,500	5,660
Mystic,.....	1	1	0.....	600	1,600
Sagharbor,.....	22	1	0.....	5,310	48,620
Greenport,.....	4	0	0 : :	1,000	6,602
New Suffolk,.....	1	0	0 : :	260	1,200
Bridgeport,.....	2	0	0.....	400	3,700
Hudson,.....	1	0	0.....	300	2,300
Poughkeepsie,.....	1	0	0.....	500	2,000
Wilmington,.....	4	0	0.....	5,600	2,400
Newark,.....	1	0	0 : :	40	2,460
Coldspring,.....	2	0	0 : :	.....	4,250
Jamesport,.....	1	0	0.....	150	1,550
Wiscasset,.....	1	0	0.....	900	1,200
Portland,.....	1	0	0.....	300	2,800
New York,.....	1	0	0	.....	1,000
TOTAL, in 1841,.....	171	42	9	157,643	205,164
Arrived in 1840,.....	175	42	6	156,455	203,441

The following table exhibits the progress of the whale fishery from 1815 to 1841, inclusive; showing the number of barrels of oil imported into the United States, in each year:—

<i>Yrs.</i>	<i>Barrels. Sperm.</i>	<i>Barrels. Whale.</i>	<i>Yrs.</i>	<i>Barrels. Sperm.</i>	<i>Barrels. Whale.</i>	<i>Yrs.</i>	<i>Barrels. Sperm.</i>
1841,...	157,343	205,064	1832,...	79,067	179,241	1823,.....	87,230
1840,...	156,445	203,441	1831,...	110,532	113,948	1822,.....	42,900
1839,...	141,664	223,523	1830,...	106,829	86,274	1821,.....	48,000
1838,...	129,400	228,710	1829,...	79,840	...	1820,.....	34,708
1837,...	182,569	215,110	1828,...	73,077	...	1819,.....	21,323
1836,...	133,321	133,050	1827,...	93,180	...	1818,.....	18,625
1835,...	175,130	125,100	1826,...	32,840	...	1817,.....	32,650
1834,...	129,824	122,292	1825,...	62,240	...	1816,.....	7,539
1833,...	113,171	159,166	1824,...	92,380	...	1815,.....	3,944

OUTFIT OF WHALE SHIPS.

The annexed enumeration of the quantities of many articles of foreign and domestic produce required in the outfit of whale ships, which sailed during 1841, is derived from the Nantucket Enquirer,—good authority on all matters pertaining to this branch of commerce. It affords convincing evidence to the farmer, manufacturer and importer, that they, as well as those most directly concerned in the whale fishery, have an interest in this important and increasing branch of industry. Asking and receiving from government nothing but protection against a ruinous competition with foreign oils, and such a sprinkling of the stars and stripes among our ocean fishers as will entitle them to respect in peace and guaranty their protection in war, the American whalers have increased from a few frail boats, hardly venturing from the shore, to a fleet of 650 sail of 190,000 tons burden, a monument reared upon the broad ocean, where the world may sail and read the chivalrous and enriching results of New England perseverance, energy, and industry. Other nations have not been negligent in encouraging this fishery; but in all cases with but little good effect. Notwithstanding bounties, loans, royal grants, and monopolies have been showered upon the adventurous whalers of other nations, the fishery has died under these lavishments until America and New South Wales only, import enough for their own consumption:—

Flour,.....	45,240 barrels.	White Lead,.....	174,600 pounds.
Pork and Beef,.....	46,050 "	Paint Oil,.....	11,980 gallons.
Molasses,.....	204,500 gallons.	Cotton and Calicoes,.....	673,000 yards.
Coffee,.....	226,480 pounds.	Butter,.....	226,453 pounds.
Sugar,.....	203,700 "	Vinegar,.....	2,113 barrels.
Tea,.....	90,560 "	Beans, Peas, and Corn,...	26,542 bushels.
Rice,.....	204,500 "	Cheese,.....	45,240 pounds.
Duck,.....	22,660 pieces.	Hams,.....	44,950 "
Cordage,.....	2,530 tons.	Dried Apples,.....	226,480 "
Iron Hoops,.....	2,716 "	Dried Fish,.....	281,140 "
Staves,.....	550,000 barrels.	Tobacco,.....	452,000 "
Copper,.....	226,170 sheets.	Soap,.....	4,520 boxes.
Tar,.....	4,520 barrels.		

We add the following interesting account of the equipment and expense of fitting 180 Dutch whale ships for the Greenland fishery, in the eighteenth century:—

36,000 new casks,.....	florins	108,000
2,700,000 hoops, for repairing old casks, &c.....		43,000
Coopers' wages,.....		21,600
172,000 pounds of cordage,.....		35,000
Making and repairing boats, with their stores, &c.....		15,000
Iron work, nails, smiths' wages, &c.....		5,000
400,000 pounds of beef, &c.....		40,000
2,800 firkins of butter, of 80 or 90 Amsterdam pounds each,.....		57,000
150,000 pounds of stock fish,.....		12,000
550,000 pounds biscuit,.....		40,000
72,000 pounds of soft bread,.....		18,000
550 ankers of Geneva,.....		5,500
Sugar, spices, &c.....		3,000
60,000 pounds of Friesland pork,.....		8,000
144,000 pounds of cheese,.....		18,000
20,000 pounds of Texel and Leyden cheese,.....		1,500
10,800 barrels of beer,.....		27,000
9,000 sacks of peas, barley, &c.....		40,500
Herring and saltfish,.....		3,000
Various cooks' and cabin furniture, expenses of transporting stores on board, &c.....		38,000
Hard money to seamen,.....		180,000
Wages of the seamen, payable on the return of the ships, and other incidental expenses during the voyage,.....		540,000
For the freight or hire of ships, at the rate of 3000 florins for each ship,.....		540,000
Total of advances for 180 whale fishing ships,.....		1,800,000

COMMERCE AND NAVIGATION OF THE U. S., FROM 1831 TO 1840.

Year	COMMERCE.				NAVIGATION.			
	VALUE OF EXPORTS.			VALUE OF IMPORTS. Dollars.	AMERICAN TONNAGE.		FOREIGN TONNAGE.	
	Dom. Prod. Dollars.	For. Merch. Dollars.	Total. Dollars.		Cleared. Tons.	Entered. Tons.	Cleared. Tons.	Entered. Tons.
1831	61,277,057	20,033,526	81,310,583	103,191,124	972,504	922,952	271,994	281,948
1832	63,137,470	24,039,473	87,167,943	101,029,266	974,865	949,622	387,505	393,038
1833	70,317,698	19,822,735	90,140,433	108,118,311	1,142,160	1,111,441	497,039	496,705
1834	81,124,162	23,312,811	104,336,973	126,521,332	1,134,020	1,074,670	577,700	568,052
1835	101,189,082	20,504,405	121,693,577	149,895,742	1,400,517	1,352,653	630,824	641,310
1836	106,916,680	21,747,360	128,663,040	189,980,035	1,315,523	1,255,384	674,721	680,213
1837	95,564,414	21,854,962	117,419,376	140,989,217	1,266,622	1,299,720	756,202	765,703
1838	96,033,821	12,452,795	108,486,616	113,717,406	1,408,761	1,302,974	604,166	592,110
1839	103,533,891	17,494,525	121,028,416	169,092,132	1,477,928	1,491,279	611,839	624,814
1840	113,895,634	18,190,312	132,085,946	107,141,519	1,647,009	1,576,946	706,486	712,363

COMMERCE OF THE LAKES.

It is stated in the Detroit Advertiser that in 1819, there was but one steamboat on the lakes.

In 1827, the waters of Lake Michigan were first ploughed by steam—a boat having made an excursion to Green Bay.

In 1832, a boat reached Chicago with troops.

In 1833, there were 11 boats on the lakes, which cost \$360,000, and carried, that year, 61,480 passengers; and with the freight the receipts were \$229,212 69. This season, three trips were made to Chicago, and one to Green Bay; the amount of receipts was \$4,335 39. The time of running from Buffalo and returning averaged 22 days.

In 1834, 7 new boats came out, which made 18 in service for the year. Total cost, \$500,000. The amount of the earnings of the boats this year was \$238,565 95. Two trips were made to Green Bay, and three to Chicago; and the amount received for them was \$6,273 65.

In 1839, the increase of business to Chicago, and ports west of Detroit, was so great that a regular line of 8 boats ran from Buffalo to Chicago, making a trip in 16 days.

In 1840, the number of boats on the lakes increased to 48, and the cost of them was \$2,200,000. The earnings of the boats was \$725,523 44. Rising of \$200,000 of this amount was earnings west of Detroit.

In 1841, 525 trips were made from Buffalo to Detroit—81 to the upper lakes, of which 70 were to Chicago, and 10 to Green Bay. Earnings of all the boats 767,123 27. The upper lake boats contributed \$301,803 39 to this amount. In 1841, the number of sail vessels was estimated at 550, varying in size from 30 to 350 tons, and the cost of them \$1,250,000, and their earnings at \$750,000. The earnings of British vessels on the lakes is estimated at \$150,000. The earnings of the steamboats and sailing vessels on the lakes in 1841, from the best data that we can get at, is—

American steamboats,.....	\$767,132 27
“ sailing vessels,.....	750,000 00
British vessels, generally,.....	150,000 00
	<hr/>
	\$1,667,132 27

Lake Tonnage.—According to the Secretary of the Treasury's Report, the enrolled and licensed tonnage in 1841, at the various districts on the lakes, is at

	Tons.		Tons.
Sackett's Harbor,.....	3,623	Sandusky,.....	2,642
Oswego,.....	8,346	Detroit,.....	11,433
Niagara,.....	230	Mackinaw,.....	470
Buffalo,.....	4,196		
Cleveland,.....	9,514	TOTAL,.....	41,184

The district of Detroit excels any other—Cleveland next.

LAKE COMMERCE OF CLEVELAND, OHIO.

Statement of the number of arrivals and departures (steam vessels not included) at the port of Cleveland, from 23d March, 1841, when the harbor was clear of ice, to the close of navigation; principal articles of cargo; number of vessels and steamboats belonging to the port of Cleveland, and their aggregate amount of tonnage; prepared by GEO. B. MERWIN, collector of customs at Cleveland, Ohio, Jan. 1, 1842.

Whole number of arrivals, 1364; of which 437 were from Canadian ports on Lake Erie, and American and Canadian ports *via* Welland Canal. Principal articles of cargo:

Merchandise,.....	35,485 pack'gs.	Corn,.....	11,165 bushels.
do.	489 tons.	Wheat,.....	1,720 "
Salt,.....	90,160 pounds.	Lumber,*	2,058,000 feet.
Fish,.....	5,911 "	Shingles,.....	1,802 thousa'd.
Flour,.....	1,121 "	Staves,.....	69 "
Plaster,.....	1,101 "	Shingle Bolts,.....	333 cords.
do.	423 tons.	Burr Blocks,.....	1,500

Cargo by steamboats, no account.

* 1,108,000 feet from Canada.

Whole number of departures, 1366; of which 422 were to Canadian ports on Lake Erie, and American and Canadian ports *via* Welland Canal. Principal articles of cargo:

Wheat,.....	1,593,000 bushels.	Potash,.....	1,006 barrels.
Corn,.....	203,900 "	Beef,.....	868 "
Oats,.....	17,229 "	Beans,.....	647 casks.
Flour,*	460,810 barrels.	Cheese,.....	1,295 "
Pork,.....	33,733 "	do.	32 tons.
Whiskey,.....	12,348 "	Tobacco,.....	900 hogsh'ds.
Lard,.....	1,593 "	Hams,.....	2,082 casks.
do.	3,791 kegs.	Coal,.....	4,329 tons.
do.	60 tons.	Grindstones,.....	266 "
Salt,.....	17,030 barrels.	Staves,.....	2,954 thousa'd.
Flax and Grass Seed,...	2,051 "	Black Walnut Lumber,	144 "
Butter,.....	541 "	Feathers,.....	962 sacks.
do.	15,542 kegs.	Wool,.....	661 bales.
do.	28 tons.	Cotton,.....	174 "
* 12,383 barrels shipped by steamboats.		Hides,.....	1,031

Of the above were shipped to the provinces of Upper and Lower Canada :—

Wheat,.....	271,913 bushels.	Beef,.....	760 barrels.
Corn,.....	47,393 "	Coal,.....	1,553 tons.
Oats,.....	969 "	Grindstones,.....	157 "
Flour,.....	62,605 barrels.	Staves,.....	34 thousa'd.
Pork,.....	13,469 "		

Vessels belonging to Cleveland.—Schooners, 66; steamboats, 7; brigs, 4; sloops, 2. Aggregate amount of tonnage, 9,504 tons.

CANAL COMMERCE OF CLEVELAND.

The following particulars of merchandise, on which toll is charged by weight, is from the official report of D. H. Beardsley, Esq., the collector at Cleveland. There arrived at Cleveland, by way of the canal, during the year 1841, 275,556,683 pounds. The following constitute the chief articles that arrived :—

Wheat,.....	1,569,976 bushels.	Lard,.....	961,421 pounds.
Corn,.....	244,749 "	Bacon,.....	1,878,530 "
Oats,.....	32,851 "	Pig Iron,.....	988,160 "
Mineral Coal,.....	479,441 "	Merchandise,.....	677,245 "
Flour,.....	441,848 barrels.	Iron and Nails,.....	3,842,420 "
Pork,.....	29,886 "	Tobacco,.....	912 hogsh'ds.
Whiskey,.....	12,245 "	Staves and Heading,...	968,304 pieces.
Butter,.....	1,464,935 pounds.	Wood,.....	1,879½ cords.
Cheese,.....	58,148 "		

Of property on which toll is charged by weight, there were cleared from Cleveland, by way of the canal, during 1841, 44,017,480 pounds.

MERCANTILE MISCELLANIES.

SOUTHERN CURRENCY.

Of the many embarrassments and difficulties that arise from a fluctuating currency, none so seriously affect the interests of our merchants as the losses to which they are subjected in the transmission of funds from one point to another; and these losses, for a long time past, have been of the most important character. Nor are they by any means confined to the place from whence funds are to be transmitted, as merchants, particularly in the city of New York, are well aware. Southern and western traders—and it is at the south and west where this difficulty is most seriously felt—to obtain funds available in that city, must pay an enormous premium; and it is not unfrequently the case, that the very extravagance of this premium furnishes the excuse for not meeting their liabilities at maturity. The wholesale dealer who relied upon the prompt payment of the notes he had taken for his merchandise, is often ruined in this manner, and is really more injured by the high rate of exchange than the debtor himself. How the currency can be equalized so as to remedy this immense evil, is a question of no little importance. The wisdom of congress may devise some measure by which this can be accomplished, but so many opinions exist upon this subject, that any great scheme of finance would surely meet with objections from some quarter. Local institutions are not generally powerful enough to effect the desired object, though there is no doubt but if their energies were effectively directed, the difficulties existing in the financial world would be in part at least removed. One of our city banks is, we believe, about to attempt this upon a scale which we trust will prove successful. For a long time past, as is well known, the currency of our sister republic of Texas has been in a worse condition than it has been in any part of the United States. Composed, as its entire paper circulation is, of treasury notes, which in that country do not pass for more than from 15 to 20 cents upon the dollar, and which we believe are selling in the city of New York for less than half that amount, the inhabitants are subjected to the most destructive embarrassments; while the merchants of that republic cannot obtain funds upon New York, nor upon any of the cities along our seaboard, without suffering the most ruinous losses. The object of this bank is to relieve them of all these difficulties by furnishing the government of Texas with its own notes, to be used as the circulating medium of that country in the place of its treasury paper; and these notes, which would always be at or above par in every part of the United States, would be worth much more to the merchants there, for transmission to New York or elsewhere, than silver or gold, while to circulate among the inhabitants they would be worth a premium. Some of the gentlemen connected with this institution are already on their way, or are about to depart for that republic; and one of these, we learn, is connected by relationship with some of its most influential statesmen. With the particular proposition they are authorized to make on behalf of the bank we are not acquainted, though we presume the government of Texas will embrace the opportunity of amending the condition of its currency, if it can be done on reasonable terms. That a solvent, well-conducted institution, with its principal issues directed to this object, can do much towards relieving that country of its monetary embarrassments, there can be no doubt; and should this arrangement be effected, not Texas only will be benefited, but the whole south; for, let the circulation of a New York bank be widely diffused in this young republic, and it would naturally, to some extent at least, spread throughout the southern states, thus furnishing a convenient and available fund for transmission to that city. This, however, would bestow upon the south but a small proportion of the relief of which it now stands so much in need, and

we trust that the time is not far distant when all political parties will unite in the creation of a financial system that shall operate equally beneficially throughout our whole country, and which shall be free of all constitutional objections, and at the same time be in accordance with the lessons of history and experience. When this will be accomplished we cannot pretend to predict; but so far as the influence of this magazine can assist in promoting an end so desirable, its aid shall not be wanting. A sound currency in a mercantile community is of all else the most necessary and important; and we know of no work which is more appropriately its advocate, than one which, like this, is exclusively devoted to the discussion of commercial interests. In succeeding numbers, therefore, we shall occasionally at least, devote a few of our pages to this subject, and while our readers may rely with confidence upon the authenticity of such facts as we shall place before them, we do not ask them to subscribe to any opinions we may offer, unless, upon mature consideration, they shall believe them to be founded upon reason and experience.

MERCANTILE LIBRARY ASSOCIATION.

The board of directors take pleasure in acknowledging the receipt of the following donations:—

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Cabinet.—From Rev. Charles Fox, Columbus, Ohio, shells from the Scioto valley; from C. M. Wheatley, shells; from Samuel Sloan, a box of minerals collected in Nova Scotia; from Charles W. Swift, specimens of minerals of New York; from E. C. Bramhall, two pairs of bucks' horns, from Lewis and Hamilton counties, N. Y.; from Gardiner Pike, a thermometer for the library.

By order,

CLINTON HALL, January 15, 1842.

R. E. LOCKWOOD, *Cor. Secretary.*

VALUE OF CALIFORNIA WHEAT.

It is stated in the *Augusta Constitutionalist*, of August 26th, 1841, that the grain of this article was brought by a trader from Middle California, 34 or 35 degrees north latitude, where it grows luxuriantly, and yields abundantly a superior article of flour. It was obtained and introduced by Major Thomas P. Spierin, who was in the northwest, in the employ of the United States, as Indian Agent. This wheat has been sown in Abbeville District, South Carolina, latitude 34 deg. 10 min. N. The crop of this year, 1841, is superior to that of 1840, in the size of the heads, superior product, and fullness of the grain. Experienced farmers, who have seen the wheat grow, assert that on proper wheat land, well prepared, eighty bushels can be raised on an acre. Its yield is astonishing, from the fact of one grain producing thirty to forty stalks, each having a full head, which contains from one hundred to two hundred grains. The best head of our common wheat will only shell out from sixty to eighty grains. Another advantage is, that this wheat is not so subject to disease as other kinds of wheat, and will withstand high winds and storms. It also grows and matures well westwardly in the 39th degree of north latitude. It is considered to be a superior kind of wheat, and a great acquisition to the agricultural community; and we hope it may at least have a fair trial, when it will prove itself all that its most sanguine friends have said or thought it would be.

THE BONE TRADE.

The Philadelphia North American gives an interesting account of this little-known branch of business, which seems to have been entirely overlooked by Professor Vethake in his edition of McCulloch's Dictionary of Commerce. Certain old men, (says the North American,) women and children, may be seen daily in all parts of Philadelphia gathering up old bones. This branch of business started about four years since, and it gives employment to hundreds, almost thousands, of poor people in Philadelphia. Many of them are able to earn from 50 cents to \$1 each day by these small gatherings by the wayside, and these save themselves and their children from want, or perhaps from the penitentiary. In the county of Philadelphia there are several large establishments where these bones are purchased. One in Moyamensing pays out more than \$100 each week for these apparently worthless materials, gathered in every part of Philadelphia. Bones gathered up in this way, and from such sources, one could hardly imagine are of any value. But the variety of purposes to which they are put shows that, in political economy, nothing is totally worthless. The bones are assorted, and each particular kind is put to a specific purpose. Some are made into neat's foot oil. Others are sold to knife and umbrella makers, while another portion is used by comb, brush, and button manufacturers. Many of them are used in the manufacture of blacking, and printing ink, and by sugar refiners. Even the tallow chandler and manufacturer of soap is deeply indebted to these bones for his success. The bone dust which is made from the refuse part, is purchased by farmers, and greatly tends to enrich the soil. The purposes for which bones are used are almost innumerable. Such is the demand for them in Europe, that the field of Waterloo was thoroughly examined, and every thing remaining of poor humanity there which could be obtained, has been gathered up. In our own country, the value of this article is beginning to be estimated for agricultural purposes, and in all the various departments of business, both of utility and ornament, they constitute an important and valuable species of merchandise.

MANUFACTURE OF CIGARS.

The following information respecting Havana cigars, the use of which is so general, will not be uninteresting to our readers. The greatest manufacturers are Cabanas, Hernandez, Silva, and Rencareuil, besides a hundred others of less note, who make from 10,000 to 100,000 a day. The cigar is composed of two distinct parts, the inside and cover. For these, two different kinds of leaves are used, of which the latter is generally finer in texture as well as more pliant. Those leaves which are to be made on a Tuesday, are damped on Monday evening, and allowed to remain so all night; and when rolled, they are placed on a table, where they are divided into the various qualities of first, second, third, &c., and priced accordingly. Those which are most carefully and beautifully rolled are called *regalias*, and are sold at \$22, \$23, or \$26 per thousand; while the second best, which are of the very same tobacco, and made by the same man, (only with a little less attention to symmetry of form,) are sold at \$14; others are as low as \$6. D. Hernandez employs about fifty men in his manufactory. Of the best common cigars, a good workman can make a thousand in a day; of the *regalias* 600; so that the daily issues from that immense *fabrica* are about 30,000 cigars, which, at \$14 per thousand, would give nearly £100 a day. They pay an export duty of half a dollar per thousand, and an import duty in England of 9s. sterling. Allowing for freight and insurance, 20 per cent profit to the importer, and 20 more to the retailer, the best Havana cigars should be sold in London at £5 per thousand, which is 18d. per 16, or about 1½d. a piece; instead of which they are generally charged from 20s. to 40s., and sometimes 60s., and from 3d. to 4d. a piece. The very best in quality do not find their way to

Europe, and for this simple reason—they are not fashionable; they are generally dark colored, and a lighter colored and smoothly rolled cigar is preferred to the strong and highly flavored rough-looking ones; these last are, in general, the most perfect *vade mecum* imaginable for a meditative philosopher. The best tobacco in Havana grows in the Vuelta Abaga, or lower district.

PEPPER AND MUSTARD.

A druggist in London has written and published a letter to a member of parliament, stating that almost every drug and necessary of life is adulterated to an enormous extent before offered for sale in the market. As to the drugs, let them pass; but the culinary preparations we cannot so easily excuse. The genuine West India cayenne pepper is now made in London, and if it contained nothing but the ground berry of the *piper indica*, selected of a good color, the writer says he could desire no better. But colored sawdust, salt, or vermilion, and other ingredients are added. Ginger is often adulterated with flour and meal, flavored with capsicums to give it the requisite warmth. Mustard seed to the amount of one sixth only, and in many kinds not nearly so much as that, enters into the composition of the best Durham mustard, which is Durham only in name, the rest being composition of some kind, colored with turmeric, and spiced with capsicums. Black pepper is mixed with starch powder and English arrow root, to make white pepper. Coffee is mixed with the burnt root of the dandelion, known as chicory, which, from being ground at the drug mills, is itself liable to adulteration. But we are civilly told this is the French mode, and of course the coffee is much improved by its mixture. Chocolate and cocoa are mixed with ground sago, often itself for sale in any other state.

MADEIRA TEA.

The tea plant is successfully cultivated on a large scale in the island of Madeira, at an elevation of 3000 feet above the sea, by Henry Veitch, British ex-consul. The quality of the leaf is excellent; the whole theory of preparing it is merely to destroy the herbaceous taste, the leaves being perfect, when, like hay, they emit an agreeable odor. But to roll up each leaf as in China, is found too expensive, although boys and girls are employed at five cents per day. This difficulty is represented as an insuperable obstacle to the successful competition of the new tea plantations in Assam, (British India,) with the still cheaper labor of China. The enterprising ex-consul is now engaged in compressing the tea leaves into small cakes, which can be done at a trifling expense, so as to enable him to export to England immense quantities, at lower prices than would import it from China. Compression would have one important advantage over rolling the leaves. It is performed when the leaf is dry; whereas, the rolling requires moisture, and subsequent roasting on copper plates is necessary to prevent mustiness. In this process, the acid of the tea acts upon the copper, and causes that astringency which we remark in all the China teas. The *olea fragrans*, the flower of which is used to scent the teas, especially the black, grows luxuriantly in Madeira.

ANTHRACITE WARE.

This ware, made of anthracite coal, has been brought to an astonishing degree of perfection by Mr. Kirk, the patentee. Nothing can excel the beauty of the highly polished candlesticks, astral lamp shades, inkstands, urns, vases, and a great variety of other curious articles, wrought from the variegated anthracite coal of Pennsylvania. It is unquestionably the most brilliant and permanent jet-black polish ever discovered, as no acid will corrode or deface the lustre. This ware will, we are persuaded, when generally known, become quite popular for the various uses for which it is so admirably adapted.

THE BOOK TRADE.

- 1.—*An Epitome of the History of Philosophy*; being the work adopted by the University of France for Instruction in the Colleges and High Schools. Translated from the French, with Additions, and a Continuation of the History from the time of Reid to the present day. By C. S. HENRY, D.D., Professor of Philosophy and History in the University of the City of New York. Volumes 143 and 144 of Harpers' Family Library.

"What has always been wanting to philosophy," says a celebrated French writer, "and what is still wanting to it, is an enlarged knowledge of itself—in other words, its own history." Such a history is here presented to us—not sufficiently detailed, probably, fully to answer the ends contemplated by Jouffray, but still sufficiently so for the mass of readers, and a work, withal, of admirable clearness and accuracy. We are glad to see among our scholars a growing disposition to cultivate an acquaintance with the new school of French philosophy; for we regard it as approaching nearer to truth, and as being more favorable to the interests of virtue and religion than any other. Professor Henry has rendered a valuable service to the progress of philosophical investigation in our country, and to the reading community, generally, by his excellent translation, and by the important additions made by him to the original work. The fact that this work has been prepared expressly as an elementary book, to be used in the higher seminaries of France, affords at once the strongest assurance of its merits, and recommends it for a similar application in our own colleges and schools.

- 2.—*Lives of the Ancient Philosophers*. Translated from the French of FENELON; with Notes, and a Life of the Author. By the Rev. JOHN CORMACK. Volume 140 of Harpers' Family Library.

We have read this volume with a high degree of pleasure, and with no little surprise that a work of so much merit, by the celebrated author of *Telemachus*, should be so little known. We can assign no other reason for this than the want of a good translation, which is now happily supplied, and will doubtless give to this charming biography the popularity and fame it so richly deserves. Nothing can be finer than many of the sayings of the old Greek philosophers, nothing more instructive than their lives; and in their philosophical systems, with much that is vicious and false, we find truths the most striking, and sentiments the most just and noble. The beauties of Fenelon's style have been happily preserved by the translator, and the reader of *Telemachus* will recognise the same simple elegance that distinguishes that inimitable work.

- 3.—*History of the Expedition to Russia, undertaken by the Emperor Napoleon in the year 1812*. By General Count PHILIP DE SEGUR. Volumes 141 and 142 Harpers' Family Library.

Of all the accounts of this memorable campaign, that by Count Segur is the most deeply interesting. "Its eloquent and pictured pages," as they are described by a distinguished English writer, present so vivid a portraiture of the war, that the reader almost imagines himself a spectator or an actor amid its stirring scenes. This mighty expedition is without a parallel in history, whether we consider its force, its objects, or its results; and its disastrous termination furnishes the most striking of all commentaries on the madness of military ambition. These volumes should be studied, therefore, not only for the entertainment and instruction that is to be found in them, but also for the important moral lesson they so emphatically teach.

- 4.—*The Neutral French, or the Exiles of Nova Scotia*. By MRS. WILLIAMS, author of "Religion at Home," "Revolutionary Biography," &c. 2 vols. in one; 12mo. pp. 238, 107. Providence: published by the author. 1842.

Mrs. Williams has attempted, in the form of a traditionary tale, to embody the history of a people long since extinct as a nation, though still found, in scattered fragments, in various parts of the British provinces of North America, in the "disputed territory," and sometimes incorporated with the Indian tribes. The writer of the tale is a staunch republican, and the enemy of oppression in every form; and she holds a plain but vigorous pen, and has, on the whole, succeeded in making a very readable book.

- 5.—*Conjectures and Researches concerning the Love, Madness, and Imprisonment of Torquato Tasso.* By RICHARD HENRY WILD. 2 vols. 12mo. New York: Alexander V. Blake.

The mystery which has been thrown by time and circumstances round the fate of the illustrious and unfortunate Tasso, has furnished ground for the utmost latitude of conjecture to his numerous critics and biographers. A variety of conflicting theories have been formed respecting the cause of his long imprisonment, some of which were maintained with a fair show of argument, and all with the utmost pertinacity. Mr. Wild steps in and conclusively settles the question—employing principally the best of evidence—the internal evidence of the poet's own writings. He shows that Tasso's madness was feigned, and that the real cause of his ill-treatment by his once friend and patron, Alphonso, Duke of Ferrara, was his passion for the Princess Leonora of Este, the duke's sister; a passion which it is much more than probable was fully returned. Mr. Wild has long been known to the public as an accomplished man and a graceful writer. In his present book he gives evidence of abilities worthy of his reputation and of the interesting subject he has chosen.

- 6.—*Wealth and Worth; or, Which Makes the Man?* 18mo. pp. 204. New York: Harper & Brothers. 1842.

We have no means of knowing who is the author of this interesting story; but we heartily thank him for the pleasure we have experienced in its perusal. It is what it purports to be—an "American Family Tale," and we are glad to learn, the first of a contemplated series under that cognomen. We have long thought, with the author, that our adopted current literature, both for young and old, was unsuited in its tone to a full sympathy with our democratic institutions, and calculated to generate associations with foreign scenes and modes of life, instead of fostering sentiments of attachment to our native soil and people. We therefore hail this excellent tale as the first of a series, the paramount object of which will be to infuse an earnest, independent, American spirit, uncontaminated by intolerance towards other governments and nations; to encourage a taste for gratifications of the intellect in preference to those of the senses, without forgetting the superior importance of the inculcation of those principles of action which a reverential faith in the divine origin of the Christian code of morals enforces. Seriously desirous of encouraging a national, Christian, republican literature, we earnestly commend this volume to the American "people and their children," as not a whit inferior in value or interest to the best of those of English origin of the same class.

- 7.—*Rural Sketches.* By THOMAS MILLER, author of "A Day in the Woods," &c. Philadelphia: Carey & Hart. 1842.

We have never experienced a more delightful surprise than in opening the pages of this book. Its author is no common man. Among the masses of stupid, frivolous, degrading, and foolish trash with which the press teems, whose burning sands it seems rejoicing to spread over the fresh soil of the American mind, it is delightful to find here and there a green and fragrant spot—a fountain of living waters—a cool spring from a true and quickened soul. To say all that we would of these artless yet exquisite sketches, would seem extravagance; yet, not to say something of one whose words reach and rest in our heart of hearts, were indeed injustice. Richer pictures of nature, more beautiful breathings of holy sentiment, deeper pathos, finer touches of chastened humor, not even Wilson or Irving have given us. No one of unperturbed taste can muse over these simple narrations without joy: none of right mind can sympathize with this unpretending detail of village reminiscence, and not grow inwardly in the purity, freshness, and power of affection and desire. There are thousands, wherever the English language is spoken, who need but to know what this pearl is to place it at once among those choicest treasures which the heart lingers over and the imagination recurs to with ever-new delight.

- 8.—*The Northern Harp; consisting of Original Sacred and Moral Songs, adapted to the most popular melodies, for pianoforte and guitar.* By MRS. MARY S. B. DANA, author of "The Southern Harp," &c. 4to. pp. 100. New York: Dayton & Saxton. Boston: Saxton & Pierce. 1842.

The titlepage quoted gives a very correct idea of the work. The poetry is all from the pen of the author, as is also a part of the music. It will prove a most acceptable offering to all the lovers of sacred song.

- 9.—*The Story of Joan of Arc.* By R. M. EVANS, with 24 fine plates. 12mo. pp. 189. New York: Appleton & Co. 1842.

The name of this book is a fraud. Not a third of its pages are taken up with the story of the hapless maid of Orleans. However, we forgive the deception, as the contemporary history is deservedly given in connection with Joan's life; and we cannot fail to approve the good taste which would turn the attention of readers to the exquisite *naïveté*, the interesting detail and vivid description of the early chroniclers. The execution of this book is perfect in its way: the plates are the best of the kind that we have seen: the type clear, bold, and new: the whole finish is at least equal to any thing imported. We rejoice especially that at last English historians are beginning to do justice to a heroine they so foully murdered and so infamously traduced. The saviour of her native land, who, with a slender virgin's hand, turned back the triumphant hosts of invading England, maintaining, as is now established beyond a doubt, unsoiled purity of soul among all the seductions of an abandoned court and a profligate camp, sinning only by the too-fond reference to heaven of the golden dreams of a noble heart, and the aspirations of a courageous spirit, deserves to be remembered and admired through all time.

- 10.—*A Treatise on the Church of Christ*; designed chiefly for Students in Theology. By the Rev. WILLIAM PALMER, M.A., of Worcester College, Oxford. With a Preface and Notes, by the Right Rev. W. B. Whittingham, D.D., Bishop of Maryland. From the second London edition. 2 vols. 8vo. New York: D. Appleton & Co. 1841.

These elegant volumes contain the best statement anywhere given of the historical ground on which the high-church party among Episcopalians would elevate themselves above the rest of mankind. Under the guise of a defence against the growing power of Romanism, an earnest and uncompromising claim is put forward to the sole possession of the name, praise, and power of the one catholic, visible, and infallible church, the pillar and ground of the faith: of course an attempt is made to prove the unsoundness of every other church, to arrogate for itself divine authority, and absorb exclusively that broad title, now effulgent with hues of light varied as the rainbow—the "Apostolic Church of Christ." We warmly commend the work to those who desire the extension of its well-argued doctrines.

- 11.—*History of the Great Reformation, of the Sixteenth Century, in Germany, Switzerland, etc.* By G. H. MERLE D'AUBIGNE, President of the Theological School of Geneva, etc. 2 vols. 8vo. New York: Robert Carter. 1841.

This is an original work, drawn from the original sources, containing much matter of which the English public had before known nothing, and, though marked by decided expressions of fervent attachment to the peculiar doctrines of Luther, has the interest of a faithful and vivid narrative. Though many books have been written about the Reformation, this is the first we have met with of the Reformation; the first to lay open the soul of that great movement, and exhibit, not our opinions upon the men of that wonderful era, but the men themselves. Believing that the great need of the church is a universal extension of the free, searching, and progressive spirit of that period of spiritual awakening—believing that those are no true Protestants who press not vigorously forward in the path trod by the earth-shaking steps of Luther and his brethren, we hail the appearance of these interesting volumes with gratitude, hope, and joy.

- 12.—*The Sidereal Heavens, and other subjects connected with Astronomy, as illustrative of the Character of the Deity, and of an Infinity of Worlds.* By THOMAS DICK, L.L.D., author of "The Celestial Scenery," etc. Philadelphia: Ed. C. Biddle. 1841.

This work is, in fact, a completion of that on the celestial scenery; and, like it, teems with instruction and interest. It embraces a great deal that is very rarely combined—practical advice and information, lofty philosophy, original speculation, and profound religious sentiment—rising, at times, to eloquence. We are glad to see such works, and trust a discerning public will encourage their publication. The present edition is the only one which does the author justice, or promises the reader comfort. Every school library, and every active and inquiring mind will, of course, become possessed of it, until the fame of Dick shall be as wide as the English tongue, and enduring as that firmament to which his riper thoughts seem wholly consecrated.

- 13.—*An Analytical Digest of the Law of Marine Insurance.* By HENRY SHERMAN, Counsellor at Law, New York. 8vo. pp. 315. New York: Collins, Keese & Co. 1841.

It is a principle of government that its subjects are presumed to know the law of the land, and that a want of such knowledge shall furnish no excuse for violating any law, whether it be imposed on them by custom or statute; we regard, therefore, with much interest, every effort made to bring home to us the duties we owe as well as the rights we may claim. Much expensive litigation to which underwriters are subjected might be spared if the rights and duties flowing from their relations to each other were better understood. To this country, especially, the law of marine insurance is becoming more and more important; and its importance must continue to increase so long as our commercial interests are advancing. By professional men, as well as that numerous class whose interests are staked on the mercies of the ocean, a work like that before us has been much desired. The author has presented an analysis of the law of marine insurance, accompanied with a digest of all the cases adjudged in this state down to the present time, together with an appendix of cases decided in the federal courts of the United States. The work will be found not only useful in our own state, but in any other; and we commend it to all interested in this important branch of American jurisprudence.

- 14.—*Memorial of the Rev. Lewis P. Bayard, D.D.* Edited by J. W. BROWN, A.M., Rector of St. George's church, Astoria, Queen's county, N. Y. 12mo. pp. 272. New York: D. Appleton. 1841.

This volume is designed to preserve some memorials of one whose years were spent in the faithful discharge of Christian duty, no less in the private walks of social and domestic life, than in the office of the Christian ministry, as understood by the Episcopal church. It embraces, besides, a memoir of his life, extracts from his journals and correspondence, notices of his tour through Europe and the Holy Land, selections from his sermons, and the discourse preached on the occasion of his decease, by Bishop Onderdonk, of the diocese of New York.

- 15.—*Gould's Stenographic Reporter.* Vol. 2. 8vo. pp. 416. New York: Gould, Banks & Co.

The volume before us embraces a full and complete report of the late trial of Alexander McLeod, at Utica. The Reporter is to be published in monthly numbers, of sixty-four pages, and is devoted to "the recording of important trials, for treason, murder, highway robbery, mail robbery, conspiracy, riot, arson, burglary, &c.; also, miscellaneous speeches of American statesmen, in congress and state legislatures; lawyers and judges in the Supreme Court of the United States and individual states; political addresses, orations, lectures upon arts, sciences, literature, and morals."

- 16.—*The Life of William Cowper, Esq.* By THOMAS TAYLOR. Second American, from the third London edition. 12mo. pp. 288. Philadelphia: Edward C. Biddle.

This is the most recent among the many memoirs of Cowper published, and was undertaken by Mr. Taylor under the conviction that no previous Life gave "a full, fair, and unbiased view of his character." The writer of course consulted all that preceded this one. It has been compiled from Cowper's correspondence, and other authentic sources of information; and contains besides, remarks on the writings of Cowper, and on the beauties of his character, never before published.

- 17.—*Universal Index, and Every Body's Own Book.* By M. T. C. GOULD, stenographer. Washington City. 1841.

This little work contains directions for saving time, acquiring knowledge and having it at command through life, by means of an appropriate alphabetical key. As its title indicates, it will be found useful to all classes of persons in pursuit of useful knowledge. The plan, we believe, has met the approbation of many of our most distinguished men.

- 18.—*Virginia, or the Lost Found; a tale,* by the author of "Constance, or the Merchant's Daughter." 18mo. pp. 179. New York: Dayton & Saxton. 1842.

"This tale is designed," says the author, "to furnish a popular illustration of some of the modes by which the unwary may be beguiled into religious error, and the young seduced into dissipation and crime."

19.—*The New Hampshire Book*; being Specimens of the Literature of the Granite State. 12mo. pp. 391. Nashua: David Marshall. Boston: James Monroe. 1842.

This handsomely printed volume contains upwards of one hundred and forty articles, from more than half that number of persons, all of whom were natives of, or lived so long in the state, as to have become identified with it. All classes, professions and interests, appear to be fairly represented in the selections. New Hampshire has been called "the Scotland of America," and her sons, like the Scotch, have visited every region, and left monuments of their enterprise and ability wherever they have gone; consequently, it will be found that a considerable portion of the authors in this collection have not spent their lives in the state, but have sought their fortunes in other regions. But their writings are on this account none the less native and characteristic. The volume forms one of the most interesting collections of "local" literature that has yet been published. It is alike honorable to the literature of the state and the country. We concur with the editors of the volume, that the collection is by no means meager in poetry. It gives a very satisfactory answer to the query of a writer in the *North American Review* some ten years ago, who marvelled that a state so rich in beautiful and sublime scenery had given no considerable indication of poetic talent.

20.—*The Life and Adventures of Robinson Crusoe*. By DANIEL DE FOE; with a Memoir of the Author, and an Essay on his Writings. Illustrated by Granville. 8vo. pp. 402. New York: D. Appleton & Co. 1841.

This edition of Robinson Crusoe has come out embellished with very spirited engravings, well calculated to attract the attention of children. It seems to us to differ from preceding editions in containing more moral and religious inferences, and rather less incident and detail. Whether this is an improvement or not, will depend upon the taste and good judgment of the reader. None of us can look back to our young days without a slight leaping of the pulse, at the remembrance of the effect on our young imaginations of this work of true genius, and we say let all the little folks read and enjoy it as we did.

21.—*The Dublin Dissector, or Manual of Anatomy, etc.* Second American, from the recent revised Dublin edition, considerably enlarged and improved; edited by R. Watts, Jun., M.D. 1 vol. 12mo. pp. 600. New York: J. & H. G. Langley.

This is a work so universally known and esteemed among the members of the medical profession in both hemispheres, that it is only necessary for us to invite attention to the present improved edition. It contains above 150 pages of additional matter, illustrative of the original text, consisting of facts and anomalies derived from the experience of American practitioners.

OUR OWN AFFAIRS.

WE trust our readers will believe, that in copying the following communications, we are not influenced by vanity. That their reception pleased and flattered us, we will not deny; that we feel grateful for the sentiments they contain, we are proud to acknowledge. We deem ourself the more honored, too, as they came unsolicited; and yet we would have avoided this public mode of heralding our honors, could we have communicated our thanks to the donors in any other manner. So incessantly are we employed, however, in our editorial duties, that to answer each of these kind missives separately would be almost impossible; and this must form our apology for thus tendering our acknowledgments, and responding to them all in a collective manner. We beg these institutions, therefore, to accept our most sincere thanks for electing us in each as an honorary member. We feel deeply grateful for this mark of their kindness and attention towards us personally; more grateful still are our sentiments for the interest they manifest in the success of this magazine. It has ever been, and ever shall be, our study and pride to elevate it to the rank which they so flatteringly declare it enjoys; and, with the support and influence of institutions like these—institutions that we deem of vast importance to the commercial world, furnishing, as they do, storehouses of knowledge and sources of learning that combine to shed a moral and intellectual lustre around the character of our mercantile men—we do not despair of ultimate and complete success. The object we seek to attain is good and honorable. It is to spread authentic and valuable information

before the merchants of our country, and to assist in promoting that improvement of mind for which the present age is so remarkable. We desire to see commerce regarded as a science, and it shall be our aim to develop it in this aspect. The proud ignorance of the dark ages shrouded it in prejudices, and buried it in contempt: our purpose is to relieve it from these remnants of barbarism that yet cumber it around, and elevate it to that rank which, as a profession, it is entitled to enjoy. If we accomplish this, the height of our ambition is gained. If we fail, the fault must be our own: it lies not with our patrons or friends.

"At a meeting of the board of directors of the Mercantile Library Association of Baltimore, it was unanimously

"*Resolved*, That the thanks of this board be tendered to Freeman Hunt, Esq., of the Merchants' Magazine, for the interest evinced in the pages of that work in the success of this association and similar institutions of other cities.

"*Resolved*, That Hunt's Merchants' Magazine has been conducted, from its commencement in 1839 to the present time, with signal ability; that it is eminently adapted to the wants of the mercantile community, and calculated to diffuse among its members much valuable information, essential to the honorable and profitable prosecution of commercial enterprise.

"*Resolved*, That Freeman Hunt, Esq., be and is hereby elected an honorary member of this association."

MERCANTILE LIBRARY ASSOCIATION, }
Louisville, Kentucky, December 16, 1841. }

SIR,—I have the honor to inform you that at a late meeting of the board of directors, you were unanimously elected an honorary member of this association. In conferring such membership upon you, they were desirous, in the name of the association which they represent, to avail themselves of the opportunity to return their grateful acknowledgments to you for the very warm interest always evinced by you in the great profession of commerce, and in the character of those devoted to its pursuits; and to express their sincere pleasure at the success which has crowned your noble undertaking. Permit me, Sir, to add the hope that your valuable magazine may long receive such patronage and encouragement from the merchants of our country as its high merits richly entitle it to.

With high regard and consideration,

To FREEMAN HUNT, Esq.,
Editor Merchants' Magazine.

Your most obedient servant,
EDW. PARMELE, *Secretary*.

MERCANTILE LIBRARY ASSOCIATION, }
Clinton Hall, New York, January 10, 1842. }

DEAR SIR,—I take great pleasure in informing you that at a meeting of the board of directors, held on the 7th instant, you were unanimously elected an honorary member of the Mercantile Library Association of the city of New York. It affords the board great gratification in offering this testimonial to one for whom they entertain so much individual and official respect and regard, and whose efforts in the establishment and management of the only strictly mercantile magazine in the world, they consider highly creditable to the editor, and particularly valuable to the members of this institution, in common with all others interested in commerce as a profession. I beg you to receive the accompanying certificate of membership and catalogue; and trust you will hereafter consider yourself entitled to make use of the library not only as a friend but as a *member* of the association.

With the best wishes for your future happiness and prosperity, I remain,

Very respectfully and truly, your most obedient servant,

To FREEMAN HUNT, Esq.

R. E. LOCKWOOD, *Corresponding Secretary*.

A reply to the article of Condé Raguet, Esq., in our last, on the "Impolicy of Counter-vailing Duties," emanating from the Central Committee of the Home League, will appear in the March number of this magazine.

The great length of the article on the Falkland Islands has compelled us to omit several interesting papers designed for the present number.

ERRATUM.—In the January number, at the head of page 65, for "*medias*," read *medios*.